

APPOINTMENT IN THE REGULAR ARMY

Maj. Gen. Charles P. Summerall, Chief of Staff, to be general while holding office as Chief of Staff of the Army, with rank from February 23, 1929.

POSTMASTERS

ALABAMA

James McDonald to be postmaster at Winfield, Ala., in place of James McDonald. Incumbent's commission expired January 27, 1929.

ARKANSAS

George D. Tubbs to be postmaster at State Sanatorium, Ark. Office became presidential July 1, 1928.

MINNESOTA

Charles C. Gilley to be postmaster at Cold Spring, Minn., in place of C. C. Gilley. Incumbent's commission expires February 28, 1929.

NEW YORK

Mary A. Murphy to be postmaster at Forestport, N. Y., in place of E. J. Murphy, deceased.

NORTH CAROLINA

Annie L. Lassiter to be postmaster at Jackson, N. C., in place of M. E. Barrett, removed.

William K. Stonestreet to be postmaster at Landis, N. C., in place of C. C. Whitaker, resigned.

PENNSYLVANIA

Howard D. Rushong to be postmaster at Collegeville, Pa., in place of H. D. Rushong. Incumbent's commission expires March 3, 1929.

Edward Hoffner to be postmaster at Edge Hill, Pa., in place of Edward Hoffner. Incumbent's commission expires March 3, 1929.

John W. Kuhn to be postmaster at Green Lane, Pa., in place of J. W. Kuhn. Incumbent's commission expires March 3, 1929.

William Millen to be postmaster at Lansford, Pa., in place of R. H. Stickler, removed.

TENNESSEE

Haggai M. Miller to be postmaster at Mountain City, Tenn., in place of H. M. Miller. Incumbent's commission expired May 14, 1928.

TEXAS

John W. Fagg to be postmaster at Blue Ridge, Tex., in place of A. E. Davis. Incumbent's commission expired April 28, 1928.

WISCONSIN

Rufus A. Jones to be postmaster at Black River Falls, Wis., in place of R. A. Jones. Incumbent's commission expires March 3, 1929.

Edward Porter to be postmaster at Cornell, Wis., in place of Edward Porter. Incumbent's commission expires March 3, 1929.

Peter Mies to be postmaster at Mayville, Wis., in place of W. A. Kohl. Incumbent's commission expired June 4, 1928.

Arthur Miller to be postmaster at Withee, Wis., in place of Arthur Miller. Incumbent's commission expires March 3, 1929.

HOUSE OF REPRESENTATIVES

TUESDAY, February 26, 1929

The House met at 12 o'clock noon.

The Chaplain, Rev. James Shera Montgomery, D. D., offered the following prayer:

Our Father in Heaven, above, beyond, and far away are our highest aspirations. We can not reach them now, but we feel them and believe in them. Give us grace and courage to follow their lead. Thou who givest all life, give us hearts replete with thankfulness. Allow nothing to keep us down; but may we strive to direct our admiration for all that is good and noble and all that would enrich and beautify life. O Immortal Love, within whose will righteousness and peace are forever one, pity us; reign in all hearts and bid passion to forever cease. Impress us that beyond all good is being good. Lead us on, seeing Thee who are invisible, working by faith, hope, and love; always seeking to be like the Divine Teacher until we dwell with Him. Amen.

The Journal of the proceedings of yesterday was read and approved.

MESSAGE FROM THE SENATE

A message from the Senate, by Mr. Craven, its principal clerk, announced that the Senate had passed, with amendments, in which the concurrence of the House is requested, bills of the House of the following titles:

H. R. 13060. An act to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever; and

H. R. 13752. An act to provide for the construction of a children's tuberculosis sanatorium.

The message also announced that the Senate had concurred in concurrent resolutions of the House of the following titles:

H. Con. Res. 56. Concurrent resolution to provide for the printing and binding of the proceedings in Congress and in Statuary Hall of the unveiling upon the acceptance of the statues of Henry Clay and Dr. Ephraim McDowell, presented by the State of Kentucky, and for the distribution of the 2,500 copies authorized to be printed; and

H. Con. Res. 57. Concurrent resolution to provide for the printing of the first edition of the Congressional Directory of the first session of the Seventy-first Congress.

The message also announced that the Senate agrees, with an amendment, to the amendment of the House to the text of the bill S. 2360, entitled "An act to amend section 1 of the act of Congress of March 3, 1921 (41 Stat. L. 1249), entitled 'An act to amend section 3 of the act of Congress of June 28, 1906, entitled 'An act for the division of the lands and funds of the Osage Indians in Oklahoma, and for other purposes.'"

The message also announced that the Senate had passed bills and a joint resolution of the following titles, in which the concurrence of the House is requested:

S. 5656. An act authorizing the Secretary of the Treasury to grant a right of way for a levee through Carville Marine Hospital Reservation, La.;

S. 5746. An act to legalize the sewer outlet in the Allegheny River at Thirty-second Street, Pittsburgh, Pa.;

S. 5864. An act to provide for the study, investigation, and survey, for commemorative purposes, of battle fields in the vicinity of Richmond, Va.;

S. 5879. An act authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows; and

S. J. Res. 117. Joint resolution authorizing an investigation and survey for a Nicaraguan canal.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the House of Representatives to bills of the following titles:

S. 710. An act conferring jurisdiction upon the Court of Claims to hear, adjudicate, and render judgment in claims which the northwestern bands of Shoshone Indians may have against the United States; and

S. 1648. An act for the relief of Oliver C. Macey and Marguerite Macey.

The message also announced that the Senate agrees to the reports of the committees of conference on the disagreeing votes of the two Houses on the amendments of the Senate to bills of the following titles:

H. R. 6687. An act to change the title of the United States Court of Customs Appeals, and for other purposes; and

H. R. 14639. An act to provide for the appointment of two additional judges of the District Court of the United States for the Eastern District of New York.

The message also announced that the Senate agrees to the amendments of the House to a bill and joint resolution of the following titles:

S. 5350. An act to amend the air commerce act of 1926 with reference to the examination and rating of schools giving instruction in flying; and

S. J. Res. 196. Joint resolution authorizing and requesting the President of the United States to take steps in an effort to protect citizens of the United States in their equitable titles to land embraced in territory to be transferred from the State of Oklahoma to the State of Texas and from the State of Texas to the State of Oklahoma as per decree of the Supreme Court of the United States in the case of Oklahoma v. Texas (1926, 272 U. S. 21, p. 38), and to give the consent of Congress to said States to enter into a compact with each other and with the United States relating to such subject matter.

LEGISLATIVE APPROPRIATION BILL

Mr. WELSH of Pennsylvania. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 17053) making appropriations for the legislative branch of the Government for the fiscal year ending June 30, 1930, and for other purposes, with Senate amendments, and concur in the Senate amendments.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to take from the Speaker's table the bill (H. R. 17053) the legislative appropriation bill, with Senate amendments, and concur in the Senate amendments.

The Senate amendments were read and agreed to.

ADDRESS OF HON. JAMES J. DAVIS, OF THE DEPARTMENT OF LABOR

Mr. CAMPBELL. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by printing an address by Hon. James J. Davis, Secretary of Labor, at a banquet by the Italian-American Society in Schenley Hotel, Pittsburgh, in honor of my colleague the Hon. CLYDE KELLY.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent to extend his remarks in the RECORD in the manner indicated. Is there objection?

There was no objection.

Mr. CAMPBELL. Mr. Speaker, under leave to extend my remarks in the RECORD, I include the following address delivered by Hon. James J. Davis, Secretary of Labor, at a banquet of the Italian-American Society of Pittsburgh, Pa., January 30, 1929, in honor of my colleague, Hon. CLYDE KELLY:

ADDRESS BEFORE THE ITALIAN-AMERICAN SOCIETY OF PITTSBURGH

I am always glad to meet the people of my own city. It was my privilege to live for many years in this part of the congressional district, and I have known for a long time many of the Italian people who are here before me. I well remember the day when many of you, or your parents, came to this community. And it has been a pleasure to me to watch your growth into a prominent part of the life of this section. You struck right out into every sort of activity—business and professional. You have taken an active part in the civic life about you. Numbers of you have attained the highest personal distinction, and the community has proved its respect and admiration for you all by rewarding you with a liberal measure of happiness and success.

You have found it true that America presents unlimited opportunities to all. The foreign-born have before them the same chance as any other. As I, too, came from across the seas, I know full well whereof I speak. You and I can agree that this country has been good to us. But we know also that what life offers to us here is not in the form of a gift. America insists that every man shall have his opportunity, but also that he shall work for it. The result is that when the rewards come to us we have the satisfaction of feeling that they have been well earned by personal toil and devotion to our country's ideals.

While I am here for the pleasant duty of foregathering with my many Italian friends, another reason that brings me here is to pay tribute to my distinguished friend, Congressman CLYDE KELLY, who is being honored on this occasion by the Italian banquet committee [Applause.] Congressman KELLY and I have been close personal friends for years. I have watched his progress with the greatest interest and admiration, and, from long knowledge of the man, I can say that no man in Congress has more ably represented his people than CLYDE KELLY. I can think of no higher type of public official. No man stands more favorably in the estimation of his colleagues and with the people of the Nation. What respect and affection he enjoys among his own people here I need not remind you. You know that for yourselves. [Applause.]

Congressman KELLY's labors and services have ever been devoted to the welfare of the people. He has believed, as we believe, that American citizenship means something, that it is a badge of honor and distinction. [Applause.] His successful efforts to secure the passage of laws protecting your rights have been of great and far-reaching importance. [Applause.] It has given me the greater satisfaction to lend all the influence I possess for the enactment of one law in particular—that which protects Italian-Americans from forced military service through the draft from their native country. This has now been made impossible, under the law of our land, and to Congressman KELLY goes endless credit for his efforts in securing its enactment. [Applause.] He richly deserves your commendation, and I am sure he has it, in the greatest measure. [Applause.]

That is one proof of how the American people value those citizens who have come here from Italy. Few persons living within the confines of civilization, for that matter, can think of Italy without emotion, for we know that much of the culture of the present has come down to us from Italian origins. No cultured person neglects a visit to Italy, for the purpose of drinking in its magnificent history. [Applause.] In all our schools and universities the great men of your past are studied with the greatest respect and wonder. Many a distinguished man from another country has lived for years in your land. Some have passed their entire lives there.

Civilization began along the shores of the Mediterranean in Egypt, Greece, and Italy. If the early peoples living in these lands had not been what they were, we should not be what we are to-day. This is a fact that we should never allow ourselves to forget.

Italy has a history which goes back for considerably more than 2,000 years before it becomes lost in the mists of time. There is vast

inspiration in the mere thought of antiquity. In America some are always apologizing for our youth, and have been doing it for 300 years, and may, for aught I know, continue to do so for 300 more. But the Italian knows that his land is old, and that his ancestors have spoken more than one tongue. He is proud to remember those ancient days when Rome was mistress of the lands and seas, when the ground shook with the tread of the legions of Caesar; he is proud of the ancient poets, philosophers, and historians; he is proud it was on his own soil that civilization was reborn, after it had been for centuries in a state of eclipse—Dante was the voice of 10 silent centuries; he is proud to revive in imagination the day when his land, under Victor Emmanuel and Garibaldi, won their lost independence. There is no country in the world which has had for so long a period of time such a wonderful history. It would be strange indeed if an Italian did not glory in it. [Applause.]

It is frequently said that we are living to-day in a scientific age, and sometimes we stress science at the expense of the humanities which had their origin along the shores of the Mediterranean. [Applause.] But modern science itself owes to Italian genius an immense debt. If it is Copernicus, half Pole and half German, whom we must hail as the father of modern science, it was Galileo an Italian who demonstrated the truth of the Copernican theory, not to mention his work in other scientific connections. There is no man of science to whom the world owes more than to Galileo, and he has had a long list of worthy Italian successors.

It does not matter in what direction we look. Italy has something to contribute to the cause of civilization in all the arts and sciences. Italian painting, Italian music, and Italian architecture are priceless heritages of the race. Not since the time of the Greeks has there been a sculptor like unto Michael Angelo, and in Leonardo da Vinci the world had one of its few universal geniuses. The Italian mind is by nature artistic, and art has flowered in Italy as naturally as the blossoms awaken at the touch of spring. But our indebtedness to the Italian does not depend wholly on what the Italian has given us directly; we owe even more to what he has given us indirectly. His genius has inspired the genius of every other land and helped to fructify it. There are still thinkers and artists in Italy to whom the world listens and whom it delights to honor. [Applause.]

To-day the peoples of the earth are concerned with the problems of peace. What the world needs is not war but peace. It needs the arts of peace. War should have been outlawed at the time when the industrial revolution began. The swords should then have been turned into plowshares and the spears into pruning hooks.

I have spoken of what the world owes to the past of Italy. But Italy has a living present. She has great scholars, great thinkers, and great writers to-day. Her universities enjoy prestige. The world owes to Italy a debt not only for its geniuses of yesterday but for the genius of to-day. There is, I am convinced, no better blood than flows in Italian veins. There is more to come out of her inner resources of brain and heart.

We do not need to go back very far, however, to record an Italian scientific discovery which has done much to rob the sea of its terror and to restore confidence to the wives and children of those who go down to the sea in ships. I refer to the invention of wireless telegraphy by Signor Marconi. [Applause.] It has already saved many lives and will save many more.

No American could afford to neglect the Italian mind, even if others could, because it was an Italian who discovered America. [Applause.] It does not matter that Christopher Columbus was not aware of the magnitude of his discovery. He is not the first man of whom the same might be said. Besides, if he were unaware of his discovery, we Americans are not. We know, if others do not, what we owe to him. There are those who say that the Norsemen discovered America. There are even those who say that the Chinese discovered it. But what difference does it make whether they did or did not? It was Columbus who awakened the Old World to a knowledge of the new.

It is true that, apart from the fact of its having been an Italian who discovered America, Italians had little or nothing to do with the American continent for a long period of time. The Italians were happy at home. They were prosperous, and they were giving to the world great art and thought. Why should they have emigrated to America? The people who did come—the Spaniards, and Portuguese, and Frenchmen, and Englishmen—came because they were none too happy at home. Some of them came in search of opportunities, and others to worship God according to the dictates of their own conscience. So far as I know, the Italians were making enough money at home to satisfy their requirements, and their consciences were not shocked by the way that their forefathers worshiped God. [Applause.] They appear to me to have been a happy lot.

Italians did not begin to come to America in considerable numbers until the later years of the nineteenth century. Those who came then came for the most part because they were crowded for room at home and needed jobs. Americans found these Italians good workers. A goodly proportion of them found employment on one or another railroad system, sometimes laying new tracks, sometimes repairing old ones. But no matter what they did, they had the kind of stuff in them

that America required, and they prospered as most of the people who came to America prospered. To-day we will find Italians in every walk of American life. Some of them are merchants, manufacturers, lawyers, physicians, teachers, writers, and the like. They have not been found wanting in any capacity, and they have been tried in nearly every capacity. [Applause.]

We are limiting the number of immigrants to America. But, in doing so, we are not expressing any prejudice, for or against, the various nationalities who have come in the past to make their home with us. But America has learned, though it has taken us long to learn the lesson, that her resources, though great, are limited. We have only so much land and so many jobs. Immediately after the war, and before the enactment of the law limiting immigration, more than 5,000,000 of our workers were out of employment. If we had not restricted immigration America would have been swamped. We would have had jobs neither for our native sons nor for our immigrants. There would have been hunger and a lack of sheltering roofs. I am sure that the immigrant would have suffered even more than the native born, and that our restriction of immigration benefited the immigrant as it benefited our own people. Moreover, I am certain, as I have been told by foreign officials, that the restriction of immigration to America was a blessing to every land in Europe. The war-weary nations in Europe needed their workers, and our immigration act compelled the bulk of European labor to remain where it was needed—that is, at home. [Applause.]

The annual immigration quota from Italy is not large, but the number of persons who may enter the United States from any country is not determined entirely by quota. There are nonquota classes, which include, among others, the wives and minor children of citizens of the United States.

You will be interested to know, therefore, that last year the number of Italians who came here for permanent residence was among the largest of all the countries of Europe. While Germany sent a larger number—58,243—Italy supplied 35,716, and England only 21,298.

Of all the immigration from all the countries of Europe combined, Italy's share was about one-seventh. Taking all the countries of Great Britain together—England, Scotland, Wales, and Northern Ireland—Italy would be third in the list of European countries in point of immigration. Yet more than fifteen times as many Italians were admitted to enter this country last year than came from my own native land of Wales.

The success you have attained here is testimony to the value we set on your citizenship. The fact that so many Italians became naturalized is one reason why we admitted so many of your people last year. Sensible Americans are glad to have you here, with your genius and character, to enrich our national life. Italy is loved by every scholar who knows her present and past. Two distinguished Americans have translated your greatest poet—Dante—into English, and many other Americans have done the same for other great Italian authors.

They know that the people of Italy have had something to say to the world that has not been said elsewhere, that, except for the period of the Dark Ages, Italy has always had something to say that could be neglected only to one's hurt. We owe much to the people who came here from other lands.

No American then can afford to neglect our common indebtedness to Europe. One of your number discovered us; our forefathers were all Europeans. To the American, as to the European, Italy, Greece, and Palestine have contributed much to our ideals.

We would not part with what those three nations have contributed to our country. Our art, our literature, and our science are, in their inception, borrowings from these older nations. The rewards we give you should be as generous as the gifts to us. May we always go on in the one pathway of amity and peace and the free exchange of our good deeds in true brotherhood! [Applause.]

ARLINGTON MEMORIAL BRIDGE AND MEMORIAL HIGHWAY

Mr. WOOD. Mr. Speaker, I ask unanimous consent to address the House for five minutes.

The SPEAKER. Is there objection to the request of the gentleman from Indiana?

There was no objection.

Mr. WOOD. Mr. Speaker and gentlemen of the House, I wish to call your attention to a matter that I think every Member of Congress has an appealing and vital interest in. We have authorized an appropriation of \$15,000,000 to build a memorial bridge. We have authorized an expenditure of \$4,500,000 to build a memorial road meeting this bridge.

Now, we are confronted with what seems to be a very imminent danger of having all this despoiled by the erection of a slaughterhouse within 2,000 feet of the southern end of this bridge, and along this memorial road.

I am introducing in this House to-day a resolution with two purposes; one is to call the attention of Congress to what is being done, and perhaps if it is persisted in that further appropriations be not made for the further construction of the memorial bridge or the construction of that highway. [Applause.] And for the further purpose of calling the attention of the

Department of Justice to what is going on, and if the State of Virginia, which has the prime interest in ordering it stopped, if it fails to do its duty, that the United States Government, through the Attorney General, stop it. [Applause.]

To my mind it is unthinkable that any citizen of the United States that has any pride whatever in his country and in this beautiful city of Washington should dare to build a structure of that character along this memorial highway and so near the memorial bridge. It would be an offense not only to the sight but to the smell. It would be within 2,000 feet of the end of that bridge, and its stench would come across it to the White House and all over the Capital.

Mr. DICKSTEIN. Has the State of Virginia issued a permit for the building of this structure?

Mr. WOOD. I do not know whether they require a permit. I understand they own the land. It certainly is a nuisance, and it can be stopped if proper steps are taken to stop it. I heard about this some days ago, but I thought it was simply some newspaper gossip. However, it seems now to have taken such form that unless something is done and done quickly, this thing will be consummated.

Mr. ELLIOTT. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. ELLIOTT. I understand that there is a petition pending before the commissioners of Arlington County now asking permission to erect a slaughterhouse.

Mr. MOORE of Virginia. Mr. Speaker, will the gentleman yield?

Mr. WOOD. Yes.

Mr. MOORE of Virginia. I understand the situation to be this: The project has been brought to the attention of the board of supervisors which is the governing body of Arlington County. A permit is being sought. That permit has not been granted. I have no information that it will be granted. The formal application is to be presented to the board on the 28th of the month, and I have heard that then some future date will be fixed for a hearing. There has been very strenuous local protest, and while I am not in a position to give any guaranty, because I do not belong to the governing board, and I am not authorized to speak for it, yet in my opinion it is altogether unlikely that the permit will be granted.

Mr. WOOD. I wish to state to the gentleman that I understand also that protests have been made against it by many, one coming from the Secretary of War and another from Colonel Grant, Superintendent of Public Buildings and Grounds. Those protests were filed some time ago, but notwithstanding the efforts made by these officials they seem to be going on with the determination to build this nuisance. It is going to take something more than protests to stop them.

Mr. MOORE of Virginia. Mr. Speaker, the gentleman from Indiana is correct in saying that the protests he has indicated have been made. Many additional protests have been filed. However, the law requires that applications for permits shall be considered by the board, and the board is simply exercising a legal function in considering the application in question. I do not think the gentleman from Indiana or anyone else has a right to assume that the application is going to be granted. An abattoir can not be built where proposed unless the application is approved and a permit issued.

The SPEAKER. The time of the gentleman from Indiana has expired.

Mr. WOOD. Mr. Speaker, I ask unanimous consent to extend my remarks by publishing an editorial from the Washington Star.

The SPEAKER. Is there objection?

There was no objection.

The editorial referred to is as follows:

[From the Washington Star, February 22, 1929]

THE SLAUGHTERHOUSE MENACE

Though it be housed in a structure of magnificent beauty, though it be surrounded by gardens of fragrant flowers and shrubbery, though it be so constructed as to give it the semblance of being a part of the collection of temples and shrines in its immediate vicinity, a slaughterhouse can never be camouflaged and made to exude an aroma that is anything but foul and offensive. Though pigs be given perfumed shower baths and housed in cribs or pens of sweet lavender, the atmosphere for several miles of surrounding territory will most surely be continuously reeking with the malodorous emanations from their place of confinement. Though every precaution be taken to make such an industry as attractive as possible, it can never be anything other than a nuisance of the most obnoxious nature if located in or near a residential community.

If the application for permission to erect a slaughterhouse on the Virginia side of the Potomac on a site between Columbia Pike and the Potomac River, Arlington Memorial Bridge and the Highway Bridge, is granted by the Arlington County Commissioners an offense of grave

proportions will have been committed—an offense affecting not only the county itself, but one which will bring shame and humiliation to the people of the entire United States. The location under consideration is literally at the foot of Arlington National Cemetery and the Tomb of the Unknown Soldier, a shrine to which the whole world makes pilgrimage and pays tribute. It will be less than two miles from the White House and but little more than half a mile from the Lincoln Memorial. Its sewage will empty into the river directly opposite that section of Potomac Park, and the river at that point is a scant half-mile wide. With the completion of the Arlington Memorial Bridge and the magnificent national boulevard which is to link the National Capital, Arlington Cemetery, and Mount Vernon with the most beautiful driveway in the world, the entrance into Virginia will be made actually at the gates of the slaughterhouse, and the Mount Vernon branch of the boulevard will form a semicircle around the plant.

It is inconceivable that the commissioners of Arlington County desire to commit such an offense against the Nation, or against the residents and taxpayers of the adjacent communities. Ceremonies at the Tomb of the Unknown Soldier will be accompanied by the noisome stench emanating from the carloads of animals being shipped into the plant as well as from the foul odors which will exude from the slaughterhouse itself. Potomac Park will become a place to be avoided instead of the attractive and restful driveway and gathering place of the people. The Tidal Basin will be doomed as a place for pleasure, and no longer will the cherry blossoms encircling that body of water draw the thousands of visitors from all parts of the world who annually come to enjoy their beauty. At the White House there would be almost an incessant explanation and apology to delegations and visitors for the "bad smell which comes from Virginia."

The obvious injury to Arlington County itself, if this permit be granted, is one to which the commissioners should give the most careful consideration. Beautiful homes which now cover the heights above the site of the proposed plant will be abandoned as their occupants and owners flee from the nauseating stench. A rapid depreciation of property values will almost assuredly follow, and in a short time the territory which now enjoys the greatest opportunity in its history to become the garden spot of the Old Dominion will deteriorate and degenerate into an unsightly, evil-smelling neighborhood of objectionable industries, for the establishment of a slaughterhouse would serve as an opening wedge for other industries equally obnoxious and undesirable.

The Secretary of War has made a strong protest against the granting of the permit. He has, in fact, asked that he be given an opportunity to appear before a hearing if one should be held. Apparently, no hearing will be held, for the decision of the commission will be made on the 28th of this month, only a few days hence. Lieut. Col. U. S. Grant, 3d, superintendent of public buildings and parks, and a member of the National Capital Park and Planning Commission, has also registered his disapproval. The Virginia Park and Planning Commission opposes the granting of the permit, and every organization within the county has made a plea for its denial.

In the face of all these objections, and with not a single feature of the industry itself in its favor, it is inconceivable that the Arlington County commissioners will grant the application of the packing company and bring upon the State of Virginia, the National Capital, and the United States the shame and humiliation of the desecration of the territory which is now in process of dedication to the Nation's honored dead.

BRIDGE IN PIERCE COUNTY, WASH.

Mr. JOHNSON of Washington. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (S. 5879) authorizing Llewellyn Evans, J. F. Hickey, and B. A. Lewis, their heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at or near a point commonly known as the Narrows, and consider the same at this time. An identical House bill (H. R. 16838) was passed by the House yesterday.

The SPEAKER. The gentleman from Washington asks unanimous consent for the present consideration of Senate bill 5879, which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That in order to promote interstate commerce, improve the Postal Service, and provide for military and other purposes, Llewellyn Evans, J. F. Hickey, and B. A. Lewis, hereinafter called the grantees, and their heirs, legal representatives, and assigns, be, and they are hereby, authorized to construct, maintain, and operate a bridge and approaches thereto across Puget Sound, within the county of Pierce, State of Washington, at a point suitable to the interests of navigation, at or near a point commonly known as the Narrows, in accordance with the provisions of the act entitled "An act to regulate the construction of bridges over navigable waters," approved March 23, 1906, and subject to the conditions and limitations contained in this act.

SEC. 2. After completion of such bridge, as determined by the Secretary of War either the State of Washington, or any municipality or

political subdivision thereof within or adjoining which any part of such bridge is located, or any two or more of them jointly, may at any time acquire and take over all right, title, and interest in such bridge and its approaches, and any interest in real property necessary therefor, by purchase or by condemnation in accordance with the laws of such State governing the acquisition of private property for public purposes by condemnation or expropriation. If at any time after the expiration of five years after the completion of such bridge the same is acquired by condemnation or expropriation, the amount of damages or compensation to be allowed shall not include good will, going value, or prospective revenues or profits, but shall be limited to the sum of (1) the actual cost of constructing such bridge and its approaches, less a reasonable deduction for actual depreciation in value; (2) the actual cost of acquiring such interest in real property; (3) actual financing and promotion cost, not to exceed 10 per cent of the sum of the cost of constructing the bridge and its approaches and acquiring such interest in real property; and (4) actual expenditures for necessary improvements, less a reasonable deduction for actual depreciation in value.

SEC. 3. If such bridge shall at any time be taken over or acquired by the State of Washington, or by any municipality or other political subdivision or public agency thereof, under the provisions of section 2 of this act, and if tolls are thereafter charged for the use thereof, the rates of tolls shall be so adjusted as to provide a fund sufficient to pay for the reasonable cost of maintaining, repairing, and operating the bridge and its approaches under economical management, and to provide a sinking fund sufficient to amortize the amount paid therefor including reasonable interest and financing cost, as soon as possible under reasonable charges, but within a period of not to exceed 20 years from the date of acquiring the same. After a sinking fund sufficient for such amortization shall have been so provided, such bridge shall thereafter be maintained and operated free of tolls, or the rates of tolls shall thereafter be so adjusted as to provide a fund of not to exceed the amount necessary for the proper maintenance, repair, and operation of the bridge and its approaches under economical management. An accurate record of the amount paid for acquiring the bridge and its approaches, the actual expenditures for maintaining, repairing, and operating the same, and of the daily tolls collected, shall be kept and shall be available for the information of all persons interested.

SEC. 4. The grantees and their assigns shall, within 90 days after the completion of such bridge, file with the Secretary of War, and with the Highway Department of the State of Washington, a sworn itemized statement showing the actual original cost of constructing the bridge and its approaches, the actual cost of acquiring any interest in real property necessary therefor, and the actual financing and promotion costs. The Secretary of War may, and at the request of the Highway Department of the State of Washington shall, at any time within three years after the completion of such bridge, investigate such costs and determine the accuracy and the reasonableness of the costs alleged in the statement of costs so filed, and shall make a finding of the actual and reasonable costs of constructing, financing, and promoting such bridge. For the purpose of such investigation the said grantees and their assigns shall make available all records in connection with the construction, financing, and promotion thereof. The findings of the Secretary of War as to the reasonable costs of the construction, financing, and promotion of the bridge shall be conclusive for the purposes mentioned in section 2 of this act, subject to review in a court of equity for fraud or gross mistake.

SEC. 5. The right to sell, assign, transfer, and mortgage all the rights, powers, and privileges conferred by this act is hereby granted to the grantees and their assigns; and any corporation to which or any person to whom such rights, powers, and privileges may be sold, assigned, or transferred, or who shall acquire the same by mortgage foreclosure or otherwise, is hereby authorized and empowered to exercise the same as fully as though conferred herein directly upon such corporation or person.

SEC. 6. All contracts made in connection with the construction of the bridge authorized by this act and which shall involve the expenditure of more than \$5,000, shall be let by competitive bidding. Such contracts shall be advertised for a reasonable time in some newspaper of general circulation published in the State in which the bridge is located and in the vicinity thereof; sealed bids shall be required and the contracts shall be awarded to the lowest responsible bidder. Verified copies or abstracts of all bids received and of the bid or bids accepted shall be promptly furnished to the highway department of the State in which such bridge is located. A failure to comply in good faith with the provisions of this section shall render null and void any contract made in violation thereof, and the Secretary of War may after hearings, order the suspension of all work upon such bridge until the provisions of this section shall have been fully complied with.

SEC. 7. The right to alter, amend, or repeal this act is hereby expressly reserved.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The question is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

YORKTOWN SESQUICENTENNIAL EXPOSITION

The SPEAKER. To fill the vacancy on the Yorktown Sesquicentennial Exposition Commission caused by the death of Mr. Frothingham, of Massachusetts, the Chair appoints Mr. STOBBS, of Massachusetts.

IMPROVEMENT OF THE OREGON CAVES, SISKIYOU NATIONAL FOREST

Mr. COLTON, Mr. Speaker, I call up the conference report upon the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., and move its adoption. I ask unanimous consent that the statement be read in lieu of the report.

The SPEAKER. The gentleman from Utah calls up a conference report upon the bill S. 3162, and asks unanimous consent that the statement be read in lieu of the report. Is there objection?

There was no objection.

The Clerk read the statement.

The conference report and statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 3162) to authorize the improvement of the Oregon Caves in the Siskiyou National Forest, Oreg., having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its amendment numbered 3.

That the Senate recede from its disagreement to the amendments of the House numbered 1 and 2, and agree to the same.

DON B. COLTON,

SAM B. HILL,

Managers on the part of the House.

CHAS. L. McNARY,

E. D. SMITH,

Managers on the part of the Senate.

STATEMENT

The managers of the House submit the following statement in explanation of the action agreed upon and recommended in the conference report, namely:

The first amendment simply substitutes "is" for "be."

The second amendment inserts the words "in more than" on page 2, line 2, of the bill, and is accepted by the parties interested.

Amendment 3, on which the House recedes, added to section 2 the words "including the fixing of charges for admission to said caves sufficient to maintain and develop them."

These caves form an interesting geological exhibit of permanent public interest and value. The only means the Forest Service had to protect and supervise these caves was giving a special permit for the purpose of providing guide service through the caves and erecting permanent improvements and operating guide headquarters, rest room, and other improvements for the convenience of the public. The amount of the fee to be charged the public for his service is agreed upon with the forest supervisor each year. It is probable that the future patronage will exceed that of the past. Unless the present arrangement is continued, the Government will be compelled to install its own system of guides, which would entail new supervisory responsibilities and a considerable increase in expenditures.

The Department of Agriculture favors the continuation of the present policy and believe that, in view of the improvements authorized by this bill, the permittees will be able to reduce their fee for guide service. That seems to your conferees, a preferable arrangement.

DON B. COLTON,

SAM B. HILL,

Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

ADDRESS OF HON. CLYDE KELLY

Mr. HOGG. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by inserting therein an address delivered by the gentleman from Pennsylvania [Mr. KELLY] on the one hundred and twentieth anniversary of Abraham Lincoln's birth, on the life of Abraham Lincoln.

The SPEAKER. The gentleman from Indiana asks unanimous consent to extend his remarks in the manner indicated. Is there objection?

There was no objection.

Mr. HOGG. Mr. Speaker, in accordance with the consent given to extend my remarks in the RECORD, I desire to print the address given by our colleague, Hon. CLYDE KELLY, of Pennsylvania, at the one hundred and twentieth anniversary of the birth of Abraham Lincoln, in Soldiers' Memorial Hall, in Pittsburgh, on the 12th of February. The commemoration and banquet was held under the auspices of the Grand Army of the Republic and the Sons of Union Veterans of the Civil War. Participating in the event were the Ladies' Auxiliary of Sons of Union Veterans, Woman's Relief Corps, Ladies of the Grand Army of the Republic, and Daughters of Union Veterans. The presiding officer was C. H. William Ruhe, past department commander Grand Army of the Republic and president of the Veteran Guard.

The address is as follows:

ABRAHAM LINCOLN

Commander Ruhe, members of the Veteran Guard of the Grand Army of the Republic, and members of the Sons of Union Veterans of the Civil War: Abraham Lincoln is a large subject for a small speech. In 56 years he acted many parts on the stage of life and each one has been the basis for a volume.

He was a Pennsylvanian by descent, a Virginian by parentage, an Indian by education, an Illinoisan by residence, an American by life. He had within himself the characteristics which proclaimed him "new birth of our new soil—the first American."

It may truly be said that this man is the first born on our soil, bred from the cradle under American institutions and constitutions, who rose out of deepest poverty to the highest place in the land. He was American through and through in his virtues and his weaknesses—American in everything that gave him undying fame.

What do I mean by American? What is the dominant quality in Americanism? I take it to be faith in man. America was built on that faith before it was built on governmental machinery. That faith was the fuel in the engine. Those founding fathers who declared that "all men are created equal and have inalienable right to life, liberty, and the pursuit of happiness" were heroes of faith in mankind. The men who wrote the Constitution of the United States believed so completely in the wisdom and the patriotism of the people that they entrusted to the common man the power to preserve or to destroy their "Holy Experiment."

Other Governments distrusted the people and set up the divine right of kings to rule. America enthroned the idea of the divine right of the people to rule themselves. These master builders bet their own lives and possessions and the life of their new nation on the intelligence of the American people.

If faith in man be the supreme trait in Americanism, then I believe it true that no man has ever embodied that trait more perfectly than that uncommon Commoner, that master man whose birth we celebrate to-night. It is often said that Lincoln possessed an extraordinary combination of mental and moral qualities. That is true but in every life there must be one dominant quality which furnishes the key and explanation of them all.

The Lincoln key characteristic was his faith in common manhood and its possibilities for growth and development. That faith shines out in every word and deed. It is that which molded and made the Lincoln we love. It was that which Premier Lloyd George singled out in his dedication address when the monument to Abraham Lincoln was unveiled in Westminster Abbey in 1920. "It was his trust in the people," said the Premier, "his belief in democracy, which has made him the cherished possession of the common people of the world."

Here is a man who never won a battle but who eclipsed the fame of world conquerors. Uneducated in the schools, his utterances have been declared by classic Oxford college to be the finest examples of pure English in the history of the race. Without executive experience, he built out of warring elements, a Union that has become the most powerful the world has ever known.

Do you ask the secret of these seeming miracles? Let Lincoln answer: "Allow all the governed an equal voice in the government; that and that only is self-government. I insist that if there is anything that it is the duty of the whole people never to intrust to hands other than their own, that thing is the preservation of their own liberties and institutions." * * * I want to lift men up, to broaden rather than contract their privileges. * * * I stand for the man above the dollar. * * * The peoples' will constitutionally expressed is the ultimate law for all.

I know of nothing more important to-night than for us as Americans in the land of Lincoln, to consider the Lincoln faith. The danger of losing that faith confronts us as never before. The past 25 years, with their marvelous, scientific progress and material advancement have gained us much, but they seem to have brought a loss as well—a loss of belief in man.

Through books and lectures and in conversation, we hear the cynics who sit in the seats of the scornful, mocking at the intelligence and the virtue of the common people who loved Lincoln and whom Lincoln loved. He insisted that the Lord loved the common people, too, for he made so many of them.

But these modern political atheists never see a good quality in man nor fail to see a bad one. They sneer at right and wrong as superstitious ideas. They besmear with mud the great names which shine out in American history. They are human owls, loving the darkness and hunting for vermin, while denying that the sun shines in the heavens. They bulwark their faithlessness with argument. They point to the assaults upon democracy in many lands. Russia, under a dictatorship of the proletariat; Italy under the dictatorship of the Fascists; Spain, Portugal, Yugoslavia under the rule of dictators; in all these lands men are ruled without their own consent. In America, too, say these cynics and mockers, we shall have to admit that the people are not to be trusted with self-government and perforce provide some kind of dictatorship to replace democracy.

That is a fundamental conflict far more vital than any disputes over the tariff or between political parties. Its result will determine whether America will follow the Lincoln faith to security and prosperity or be destroyed by loss of faith. Our danger is not corruption nor armed force; we have met them and conquered them in the past. Our danger is—no faith.

Let me put before you two contrasting pictures for your inspection. Here is a disordered, littered-up lawyer's office in Springfield, Ill., in the summer of 1858. Half a dozen men are sitting in dilapidated chairs. Their hands are clenched; their faces grim set as the faces of men who have made up their minds beyond the chance of change.

There sits Herndon, law partner of Lincoln, with pages of Lincoln's manuscript in his hand. He reads once more aloud a dynamic declaration from the speech which Lincoln proposes to give in his acceptance of the Republican nomination for United States Senator from Illinois.

"A house divided against itself can not stand. I believe this Government can not endure half slave and half free. I do not expect the Union to be dissolved. I do not expect the house to fall, but I do expect it will cease to be divided."

That statement has since been hailed as a "shout from the watchtower of history." These friends of Lincoln in the office that day do not so regard it. They understand what that declaration means better than we do to-day. Slaveholders were on the aggressive and were threatening disunion. The North was panic-stricken, willing to yield many things if peace might be preserved. The suggestion that slavery might overthrow freedom in the entire Union was to risk not only political suicide but personal safety as well.

Grim silence follows the reading. Then Herndon says, "It must be stricken out." Joshua Speed and the others earnestly agree and all look toward a tall, angular, melancholy looking man who stands gazing out of the window. Head bent forward, his sad, sympathetic eyes seem not to view the scene in the street below but rather to look upon a vision of the years that lie ahead. Still those eyes, though they see dread things to come, are steadfast, faithful, and true.

That silent man is Nancy Hank's boy grown up to Honest Abe. He is not famous nor successful but looks instead like a mournful failure. His friends, loving him and ambitious for him, do not dream that that homely countenance will be made immortal on canvas and in marble and bronze and that the kindly faith of Lincoln will be a loved possession of the plain people of the world.

Just now his friends are angry with him. Why does he insist upon his folly in the face of this worldly wise advice? However true his "house divided against itself" allusion, it must not be permitted to destroy him. He must not imperil his political future by a few words.

After a long time, Lincoln turns around and approaches the group of old-time, true and trusted friends. One gnarled hand strikes into the other and Lincoln speaks in a voice whose sincerity and determination brook no contradiction.

"Old friends," he says, "my mind is made up. It is the truth, and I will deliver it as written. I am nothing, but truth is everything. Slavery is a black, foul lie that can never be consecrated into God's hallowed truth. I would rather be defeated with those expressions in my speech held up and discussed before the people than be victorious without them. The people will decide aright. Why should there not be a patient confidence in the ultimate justice of the people? Is there any better or equal hope in the world? Let us have faith that right makes might and in that faith let us dare to do our duty as we understand it."

There is no further debate. The speech is delivered exactly as written, and it changes history. The passage to which the friends objected becomes the factor which makes this honest, courageous man President of the United States. The people he trusted gave him a majority of votes in the senatorial contest, for he received 126,000 to 121,000 for Douglas. In the legislature Lincoln lost by 8 votes, but he was the true victor. He had spent \$1,000 against a fund of \$80,000 spent for Douglas. Lincoln won every real point. His faith had made him whole.

Now, against that picture of courageous, radiant Americanism let me place another of darker hue.

Here is a classroom in a college in 1929. A hundred young Americans are sitting there listening to a professor of history and civics. Young, eager minds they have, open to new impressions and easily influenced. The instructor enthusiastically commends a new book, *Political Behavior*. Its author is Frank Kent, the well-known political writer of Baltimore. He says his book contains "the heretofore unwritten laws, customs, and principles of politics as practiced in the United States."

The professor, with a self-satisfied smile of superiority, reads these excerpts from this so-called textbook of American politics:

"* * * Probably the most important single accomplishment for the politically ambitious, the most effective asset they can possibly acquire, is the fine art of seeming to say something without doing so. * * * Absolute sincerity and a successful political career are utterly incongruous and impossible. The two things simply do not click. Anything like complete candor with the voters is fatal to any candidacy * * *"

"* * * It is a fact that the American people as a whole can not stand complete sincerity in politics and that any man who told them the unvarnished truth about the issues, about himself, about his opponent, would be politically destroyed * * *"

"* * * The simple truth is that the great mass of the voters are utterly uninformed and unintelligent, impervious to reason, can be reached only through their emotions; are swayed wholly by their prejudices or personal interests * * *"

"* * * If, as must be obvious to all save the completely inexperienced and unsophisticated, being sincere and sensible is the surest way to be defeated, it is silly to make a sincere and sensible campaign * * *. The number of really intelligent and informed voters to whom it is possible for a candidate to appeal in the State or Nation is negligible * * *"

"* * * If you prove a candidate's ignorance, it is almost sure to elect him. The people themselves, being ignorant and conscious of the fact, have a natural and spontaneous sympathy with the man exposed as ignorant * * *"

"* * * A man in politics is foolish to hold on to his convictions after they have become unpopular with the people. No successful politician can afford to stand steadfastly by his convictions and none do. There is no more fatal thing for a politician than a fixed principle * * *. If you do not fool the people, they will turn on you. They resent the candidate or the party that does not fool them * * *"

"* * * In politics most of the time a man goes dead against his head and heart, his mind and conscience."

"* * * The people, as a whole, can not distinguish right and wrong. One might as well talk about right and wrong in the solving of a cross-word puzzle. Looked at in the right light, politics is not an immoral game, it is merely unmoral."

These are but excerpts from 342 pages of such philosophy, which belong rightfully in a book entitled "Political Misbehavior." Some of the students ask if it is intended to be a burlesque or comedy production. They are assured that it is a serious handbook written by a political expert of great wisdom.

One student gives his view: "Either Mr. Kent believes he is telling the truth or he does not. If he does, he is not intelligent enough to write a book on American politics. If he does not, he is not fit to be a citizen in a people's nation."

The instructor warmly chides the boy for expressing such out-of-date sentiments and commends a more careful study of the book. In the minds of the members of the class are implanted doctrines which are certain to influence their behavior when they enter upon the activities of American citizenship.

My friends, those two pictures are symbols of the struggle which rages to-day for the future of America. What shall it profit America if we have wealth and population and automobiles, but lose our own soul. If Kent and his fellow cynics are right, the nation of Abraham Lincoln can not endure. If they are right, Lincoln's "government of the people, for the people, and by the people" should perish from the earth because of its weakness and its false pretense. Nor can it endure half true to the faith of Lincoln and half follower of the unbeliever.

Free government does not perish from one blow. It dies from the assaults of insidious, unseen enemies. I know of no enemies more deadly than these cynical souls who preach that the American people are "impervious to reason." If that be true, it follows that the people should be protected against their ignorance by those few supermen who modestly admit that they alone are open to the dictates of reason. That superiority will excuse their robbing the people of one right to-day and another to-morrow.

It is the method of the termites, or white ants, which are now ravaging sections of California, having found their way here from Africa and South America. They are blind slugs and never appear above the ground. They construct their tunnels under buildings and come up through posts and pillars and rafters, eating out the inner

wood and leaving only a shell behind. At last the structure falls into a shapeless heap of dust and rubbish.

It is time to awaken to the danger. There are no ancient liberties, for liberty can not be inherited. It must be won and kept by each generation. Liberty is no gift of God, like the air and the sunshine. It is something won by struggle and toil and fighting. It demands the spirit of Abraham Lincoln in the men of to-day.

Now, let us face the question frankly. Are Americans to-day incapable of self-government? Are they morons swayed only by petty prejudices and personal interests?

I do not pretend that the history of America shows that public opinion is always infallible. Sometimes the people have been like these settlers at Jamestown in 1607, who thought a hill of yellow pyrites of iron was a heap of real gold, and sent a ship load to England only to find it was worthless fool's gold.

But I want to show to-night that Lincoln knew all that and still kept his faith. He knew the people's prejudices and their possibilities. He helped them conquer one and realize the other. He knew that the whole basis of democracy is that the people have judgments and that they will correct their mistakes in judgment.

Let us look at Lincoln in the light of this highly commended text book of politics which claims to teach the only path to success in American politics. The people as a whole to-day must be adjudged more intelligent than in 1860, when universal education was as yet unknown.

If Lincoln could safely trust the people of his day, surely we may go as far with safety. There has been a steady advance in enlightenment during two generations. Despite our mistakes and failures, the people in 1929 stand on a higher intellectual and moral plane than in 1860.

Since that time we have built on the basis of people's rule the richest and most powerful nation on the globe. Instead of a land half slave and half free, as in his day, we have a realm where "if a slave's foot press it sets him free." We have met a world crisis in war and the mighty tests of peace successfully. Surely if we can prove that Lincoln's faith in the common man had a sound basis in his day, that faith has a still more enduring foundation in our own times.

Now, what was Lincoln's method which brought him from log cabin to the Capitol and White House? Did he act on the belief that the first principle of political success is the fine art of seeming to say something without doing so? Did he believe it silly to make a sincere and sensible campaign? Was he a weather vane of convictions? Did he seek to fool the people? Did he go dead against his head and heart, his mind and conscience? Was his success due to crooked and dishonest politics?

Simply to ask these questions shows how monstrous are the rules for political success as laid down by Kent in his Political Behavior.

You remember how Lincoln declared for woman suffrage in his first announcement for the legislature. That was no vote-snaring scheme—it was the most unpopular plank he could have selected for his platform. But he believed in it as a part of the people's right to rule, and he said so, even though he could easily have avoided mentioning it.

At the very beginning of his political career one Col. Robert Allen made the statement that he knew facts which if disclosed would ruin Lincoln's chances of election.

Mr. Kent knows exactly what the successful politician must do in such a case. At all costs he must keep such a story from becoming public. To do anything else would be silly and unpardonable folly. What did Lincoln do? He wrote at once to Colonel Allen, and he said:

"I once had the confidence of the people. If I have since done anything which if known would subject me to a forfeiture of that confidence, he that knows that thing and conceals it, is a traitor to his country's interest."

Lincoln never dodged an issue, and his one aim was to make the people understand exactly what he meant. Mobs were committing lawless acts in Illinois. Did he keep silent and talk about other things? No; he said:

"Let every man remember that to violate the law is to trample on the blood of his father and to tear the charter of his own and his children's liberties. Let reverence for the law become the political religion of the Nation."

The liquor question was as bitterly contested as to-day. Did he run away from such an issue? Instead he delivered a burning address, in which he compared slavery and liquor control. He said:

"Turn now to the temperance revolution. In it we shall find a stronger bondage broken, a viler slavery unumitted, a greater tyrant deposed."

Strange, indeed, that such a completely inexperienced and unsophisticated politician should have succeeded. Kent says such tactics could only end in destruction. But the people elected and reelected this man to the legislature. Then they sent him to Congress. Somehow the people loved and trusted this man.

"Whose soul was clean and strong, whose sword was bright and keen, Who knew the splendor of the fight and what its issues mean, Who never took one step aside, nor stopped though hope was dim, But cleft a pathway through the strife and bade men follow him."

As a Member of Congress, Lincoln still did not try to fool the people. The Mexican War was at the threshold. Lincoln voted at once for a resolution declaring that the war was "unnecessarily and unconstitutionally commenced by the President." He introduced his famous "spot" resolution, asking the President to locate the spot where he said American blood had been shed by Mexican soldiers.

His friend Herndon wrote that his course would ruin him politically. Lincoln responded: "Would you have voted what you felt and knew to be a lie? Would you have gone out of the House—skulked the vote? If you had skulked one vote you would have had to skulk many more before the end of the session."

These modern mockers would have made short shrift in answering those agonized questions of Lincoln. "Certainly, vote what you know to be a lie. Its the only way to succeed in politics. Skulk any number of votes. If you do not fool the people they will turn on you."

Thank God for the honesty and the inspiring example of Congressman Abraham Lincoln.

That term of Congress was full of vexing problems. The storm center was the Wilmot proviso, introduced by a Pennsylvania Congressman, David Wilmot, of Towanda. It aroused the fiercest passions for it provided that "in the territory to be secured from Mexico there should be neither slavery nor involuntary servitude, except as a punishment for crime, of which the party shall have been duly convicted."

Lincoln never skulked a test upon it but stated that he voted for the Wilmot proviso forty times during this congressional term. He believed that the people could tell right from wrong. He always stressed the moral side of the question. "Slavery is wrong" was the burden of his cry.

His faith in peoples rule and self-government was as wide as mankind, not qualified by race nor sex. He said:

"My faith in the proposition that each man should do precisely as he pleases with all that is exclusively his own lies at the foundation of the sense of justice that is within me. When the white man governs himself that is self-government, but when he governs himself and also governs another man, that is despotism. I say that no man is good enough to govern another man without that other's consent."

His term in Congress completed, Lincoln returned to the practice of law in Springfield. He was the same faithful, honest, outspoken American. He would refuse cases even from friends if he believed justice was on the other side. He would abandon cases even in the midst of trial when facts were produced which showed his client in the wrong. In his very first case before the circuit court he stated that his examination had showed him that all the authorities were on the other side and none of his own. Carl Schurz says "It is not surprising that the mere appearance of so conscientious an attorney in any case should have carried, not only to the juries, but even to judges, a presumption of right on his side."

Lincoln could not stay out of politics. His love for justice and right forced him out on the stage of political affairs. His return was marked by defiance of another of Kent's laws of political success—blind following of party names. Lincoln bolted the old Whig Party, with which he had been affiliated, and helped to organize the new Republican Party. He joined in a declaration of the convention that "repudiating all previous party attachments, names, and predilections we unite ourselves together pledged to bring the administration of the Government back to the control of first principles."

Lincoln's loyalty was to the people rather than party. "I will stand with anybody that stands right," he said, "Stand with him while he is right and part from him when he goes wrong."

Soon he was the representative of the new party in the campaign against Douglass. In these historic debates he did not talk to the people as though they were morons, unable to understand the issues, or weaklings swayed only by their emotions. He expounded the most fundamental things in political philosophy in words as clear as crystal.

It was these masterly addresses, replete with logic and clear thinking, that won him a majority of the popular vote for Senator and also forced his nomination for President of the United States. Remember, Lincoln was a wise politician, although in Frank Kent's eyes, he was an ignoramus beyond compare. Lincoln had had practical experience and had been a candidate for public office many times. As far as I know Kent has never been a candidate but has spent his life writing cynical comments on politics and politicians. But Lincoln knew the people as well as any man ever did. He knew the probable effect of a man's sayings and doings on the public mind. Knowing more about political psychology than all the Kents who ever lived, he went before the people and told the frank, unvarnished truth. Somehow, the people, those ignorant, blind, prejudiced souls, understood this man and voted for him. They saw the strength and sureness of this God-appointed leader of theirs and they gave him their loyalty and their love.

Lincoln's trust in the people led to their trust in him. Hear him: "Those who deny freedom for others deserve it not for themselves, and under the rule of a just God can not long retain it. We must make this a land of liberty in fact as well as in name. Let us appeal to the sense and patriotism of the people and not to their prejudices. Let us spread the floods of enthusiasm aroused here over the vast prairies so

suggestive of freedom. There is both power and magic in public opinion. To that let us now appeal."

Is that not an inspiring contrast to the sneering jibes which blight the very roots of Americanism? Should there be hesitation in choosing this day whom you will follow—Lincoln or the mockers?

When the Republican National Convention came and Seward, and Chase, and other eastern leaders seemed to be far outstripping the Railsplitter, some of the Illinois delegates suggested promises of appointments in Lincoln's name. Surely any successful politician must be willing to promise the world in such a situation. What did Lincoln say? Without a moment's hesitation he commanded his friends:

"I authorize no bargains and will be bound by none."

Impossible, of course, but this man, defying every rule laid down in "political behavior," was chosen standard bearer in the most critical period of American history. More than that, he was elected President by the people.

With secession lifting its head and the pillars of the temple of the Republic trembling, Lincoln held firm his faith in the people. No storm could shake his confidence in majority rule. Here is what he said:

"A majority held in restraint by constitutional checks and limitations and always changing easily with deliberate changes of popular opinions and sentiments is the only sovereign of a free people. Whoever rejects it, does, of necessity, fly to anarchy or despotism. We should all be bound by the majority of the American people; if not, then a minority must control. Would that be right? Assuredly not. If I adopt a wrong policy the opportunity for condemnation will occur in four years time. Then I can be turned out and a better man with better views put in my place."

Mr. Kent says that the number of really intelligent and informed voters is a very small minority, but of course it should rule. Vastly different is the Lincoln belief that every power, barring none, belongs to all the people. Hear him:

"This country, with its institutions, belongs to the people who inhabit it. Whenever they shall be weary of the existing Government, they can exercise their constitutional right of amending it or their revolutionary right to dismember or overthrow it."

That is a heart-and-soul conviction indeed. What does Mr. Kent say about the folly of holding to convictions? "No successful politician can afford to stand steadfastly by his convictions and none do."

Listen to Lincoln in those agonizing days of 1860:

"There is no possible compromise but which puts us under again and leaves us all our work to be done over again. On that point hold firm as with a chain of steel."

In Independence Hall, in Philadelphia, when he was on his way to Washington to be inaugurated President, Lincoln said:

"If this country can not be saved without giving up the principle of the declaration, I would rather be assassinated on this spot than surrender it."

Does that sound as though this man dared not have a fixed principle which he would maintain, even with his life? In the darkest hours of the Civil War he cried out:

"I expect to maintain this contest until successful or until I die or am conquered or my term expires or the country or Congress forsakes me."

I am not going to recount the four years of stress and storm this man, "with malice toward none, with charity for all," had to endure as he held firmly to the right as God gave him to see the right. Fortunate, indeed, that in that whirlwind time a man of the people held command.

You boys in blue here to-night as honor guests know those four years better than the rest of us. I leave it to you if it was not love for Lincoln and faith in him which sent you to the Army of the Union rather than all the fine-spun theories. You were part of a mighty force 2,778,000 strong, most of you young lads just coming into manhood. As many men entered the Army and Navy for Lincoln as there were people in the United States when our fathers declared all men are created equal. Surely that proves that the American people were as worthy of confidence as Abraham Lincoln believed them to be.

It seems like a long time since you men of the Grand Army of the Republic answered the call of Father Abraham. But his cause and yours is not old; it is young and vital. Your spirit is not old; it inspires the heart of every American worthy of the name. We honor you to-day for your faith and the price you were willing to pay for it. We owe to Lincoln and you the fact that we have one land and one flag. God grant that we shall never forget our debt to you who still remain and who, pray God, shall long remain as living symbols of patriotic faith and devotion.

Lincoln kept his faith in man until he died. He might have been excused for keeping silence on vexing issues. Instead he constantly argued all the facts. He wrote letters to public officials and private citizens. He wrote statements to communities and public gatherings. Unwearied, he debated the great features of his policy with the people. He was not spending his life and energy in order to say nothing while seeming to say something. He brought all the truth out in the sunshine for the people to see.

He counted on the people only. In response to a serenade by an Indiana regiment he said:

"For your kind expression I am extremely grateful, but on the other hand, I assure you that the Nation is more indebted to you and to such as you than to me. It is upon the brave hearts and strong arms of the people of the country that our reliance has been placed in support of free government and free institutions."

When the working men of Manchester, England, hard pressed by the closing of the cotton mills, sent a letter of encouragement to Lincoln, he responded:

"Under the circumstances, I can not but regard your decisive utterances upon the slavery question as an instance of sublime Christian heroism which has not been surpassed in any age or in any country. It is, indeed, an energetic and re-inspiring assurance of the inherent power of truth and of the ultimate and universal triumph of justice, humanity, and freedom."

In the midst of war, long-drawn out; with defeats coming thick and fast; with a popular general the candidate against him, Lincoln was triumphantly reelected by the people he trusted. This man who never tried to deceive the people, nor dodge an issue, summed it up when he said:

"You can fool all the people part of the time, and some of the people all the time, but you can not fool all the people all of the time."

He never said the people were infallible and never made mistakes. His faith in the people rested in the fact that the voice of the people, speaking after enlightenment, is the nearest thing to the voice of God it is possible for governments to secure. Just after his election in 1864 he was serenaded by his friends at the White House.

"The strife of the election," said Lincoln in an offhand speech, "is but human nature applied to the facts in the case. What has occurred in this case must ever occur in similar cases. Human nature will not change. In any future great national trial, compared with the men of this, we shall have as weak and as strong, as silly and as wise, as bad and as good. Let us therefore study the incidents in this as philosophy to learn wisdom and none of them as wrongs to be avenged."

My friends, I hear the Kents and the mockers say, "Abraham Lincoln was a star apart. His time made him what he was. You can not fairly use him as a type of the American politician."

He was not a star apart save as he made himself so. As well say that the heap of twigs in the forest brings the fire as to say the time made the man Lincoln.

He was in politics all his life and no man was more ambitious for public office. He was a candidate for the captaincy of a militia regiment, for the postmastership of a village, for the deputy surveyorship of a county, for a circuit judgeship, for the office of delegate to conventions, for commissioner of the land office, for Representative in Congress, for the governorship of a Territory, for United States Senator, and for the Presidency of the United States.

He was a politician in the truest, highest sense of the word, and his achievements in politics should silence forever those who sneer at that profession and career, which should be high in the estimation of American youth.

He knew defeats and disappointments but they never embittered him nor made him cynical. If the cynics of to-day had known one-tenth of the defeats of Lincoln, we might pardon them their mockery, perhaps. No man was ever more brutally ridiculed and caricatured than Lincoln, but his faith was like gold refined in the fire. It was that which made him able, when all others were appalled, to stand at the wheel of the ship of state and bring it into safe harbor.

He played the game honestly from the first day to the last. He made an agreement when he entered Congress that he would ask but one term. Many of his friends besought him to run again, but he answered:

"I made the declaration that I would not be a candidate again. To enter myself as a competitor of others is what my word and honor forbid."

When he was in the midst of the campaign for reelection and facing defeat, he wrote to one of his appointees not to interfere with the rights of subordinates to vote as they pleased. As he believed that there could be no success in a bad cause, so he believed that there could be no true success won by bad methods.

My friends, I believe I have proved the dynamic power of Lincoln's faith in man. Of course, I know that faith was a part of his religion. The last act of Congress that Abraham Lincoln signed was the one providing that the motto "In God we trust" should be inscribed upon American coins. He believed implicitly in Divine Providence and declared that he was "often driven to his knees because there was no place else to go."

Because he believed in the brotherhood of man he believed in the fatherhood of God. In spite of all the Kents and the cynics, the mockers, and the scornful ones, Abraham Lincoln was eternally right in his faith.

What is the value of these Lincoln celebrations? Is it enough to mouth fine sentiments about a man who died 64 years ago? Surely not. The very fact that each year sees wider remembrance of Lincoln is proof that there is something living in his name and his words and deeds.

I take it that the best tribute we can pay Lincoln is to play the American game as true Americans. To do that we must meet and overthrow the blighting doctrine that Lincoln's philosophy was silly and that no man can follow it and succeed, and that therefore no sensible man will follow it. Lincoln's faith is not copyrighted nor patented; every American may have it for himself.

We must stand with Lincoln, and there is no doubt where he would stand to-day. He would be for every extension of the people's power. He would be for honor and honesty in politics and in public life. He would be for the enforcement of the Constitution and the laws. He would be for education for every child in the land.

He would insist upon the teaching of Americanism in the schools and colleges and universities; the Americanism which believes that the whole people are wiser in the long run than king or caste or class; which advocates majority rule as a primary principle in government; which means equality, not as a leveling down but as a lifting up; which means obedience to lawful authority; which means that while we keep God in our hearts the Nation is safe.

Do they say that no ordinary American to-day can follow Lincoln? Some years ago I visited Stroudsburg, Pa. Some friends took me out to the cemetery and showed me a simple slab above a humble grave. On the stone I read:

"J. Summerfield Staples. Private, Company C, One hundred and seventy-sixth Regiment Pennsylvania Volunteers. Also a member of Second Regiment District of Columbia Volunteers as a substitute for Abraham Lincoln."

There lies an unknown soldier boy, but he served as a substitute for Lincoln where Lincoln could not go himself. There is not an American to-day, however humble and unknown, who can not serve to-day as his substitute in the conflict to keep American American.

Every American can help keep the faith of this American, who was—

"A blend of mirth and sadness, smiles, and tears.

A great knight errant of the pioneers.

A homely hero, born of star and sod.

A peasant prince, a masterpiece of God."

How can we meet those scornful, mocking souls, who assail the principles for which Lincoln lived and died? Let us find the answer in a paraphrase of his immortal words:

"It is for us to be dedicated to the great work which here we celebrate to-night so nobly advanced. It is for us to be here dedicated to the great task remaining before us; that from this honored life we take increased devotion to the cause for which he gave the last full measure of devotion; that we here highly resolve that he shall not have lived and died in vain; that this Nation under God shall have a new birth of freedom and that government of the people, by the people, for the people, shall not perish from the earth."

MAJ. WALTER REED AND OTHERS

Mr. WAINWRIGHT. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the bill (H. R. 13060) to recognize the high public service rendered by Maj. Walter Reed and those associated with him in the discovery of the cause and means of transmission of yellow fever, with Senate amendments thereto, and agree to the Senate amendments.

The SPEAKER. The Chair has recognized the gentleman from New York [Mr. WAINWRIGHT] to make this request, although the gentleman has not the authority of his committee to call the bill up. The amendments, however, are simply changes in the names, matters of no real importance.

Mr. SIMMONS. There is no change in the amounts?

Mr. WAINWRIGHT. No.

The SPEAKER. The gentleman from New York asks unanimous consent to take from the Speaker's table the bill S. 13060, with Senate amendments thereto and concur in the Senate amendments. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the bill and the Senate amendments.

The Clerk read the title of the bill and the Senate amendments.

The SPEAKER. The question is on agreeing to the Senate amendments.

The Senate amendments were agreed to.

DEGREE-CONFERRING INSTITUTIONS, DISTRICT OF COLUMBIA

Mr. ZIHLMAN. Mr. Speaker, I call up the conference report on Senate bill 2366 to amend subchapter 1 of chapter 18 of the Code of Laws for the District of Columbia, relating to degree-conferring institutions.

The SPEAKER. The gentleman from Maryland calls up the conference report, which the Clerk will read.

The Clerk read the conference report.

(For text of conference report and accompanying statement see pages 4073 and 4074 of the House proceedings of February 22, 1929.)

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

DEPARTMENT OF EDUCATION

Mr. SNELL. Mr. Speaker, what is the order of the day?

The SPEAKER. The Chair is not advised.

Mr. SNELL. I think the gentleman from Kentucky [Mr. ROBSION] has a special order for 30 minutes.

The SPEAKER. The Chair recognizes the gentleman from Kentucky for 30 minutes.

Mr. ROBSION of Kentucky. Mr. Speaker and Members of the House, some time ago I introduced a bill (H. R. 17165) to establish here at the seat of government a department of education with a Secretary in the President's Cabinet. I wish to thank the Speaker, the floor leader, and Members of the House for granting to me unanimous consent at this busy season of the House sufficient time to bring to the attention of the Congress and the country the scope and purposes of this measure and to point out what the friends of this measure consider some of the impelling needs for this legislation.

Before entering upon the discussion of the bill I wish to quote from it the important provisions.

Section 1 of the bill declares its purpose to be—

to aid and encourage the public schools and promote the public educational facilities of the Nation, so that all the people of the several States and Territories, without regard to race, creed, or color, shall have larger educational opportunities, and thereby abolish illiteracy, make more general the diffusion of knowledge, and provide for the general welfare.

The four principal objections urged against a department of education are—

(1) The States have exclusive jurisdiction in the establishment of schools and their control and regulation;

(2) That the establishment of a department of education would invade the rights of the States in the establishment and regulation of schools;

(3) That Congress has not the power under the Constitution to establish a department of education; and

(4) That such a department is unnecessary.

The proponents of a department of education concede the right of the States to establish and regulate education within their borders without interference from the Federal Government, and we have neither the purpose nor desire to infringe upon these rights.

Section 1 expressly provides that this act shall not impair or infringe upon the laws, the rights, duties, authority, or responsibilities of the several States, Territories, and the citizens thereof with respect not only to the public educational agencies and institutions but likewise as to the private educational institutions and agencies in the several States and Territories.

Section 2 provides for an appropriation of \$1,500,000 or so much thereof as may be necessary. It provides likewise for an Assistant Secretary, solicitor, chief clerk, disbursing clerk, and such other scientific, technical, and clerical assistants as may be necessary to carry out the provisions of this act and as may be provided for by Congress from time to time.

Section 7 authorizes and directs the secretary of education to make studies, investigations, and researches showing the condition and progress of education in the several States and Territories and to make this information available to teachers, school officials, and all others interested in education, in order to aid and encourage the people of the several States and Territories to establish more efficient schools and school systems, to devise better methods of organization, administration, and financing of education, to develop better types of school buildings and provide for their use, to improve methods of teaching and develop more adequate curricula and courses of study. These investigations and studies shall be undertaken in rural, elementary, secondary, higher, professional, physical, including health, and recreational education, and likewise for the mentally and physically handicapped, the training of teachers, immigrant and adult education, and such other fields as in the judgment of the Secretary may require study and investigation to promote the welfare of education throughout the United States and its possessions.

Section 10 authorizes the creation of a national council on education consisting of the head of the department of education of each State and Territory, to consult and advise with the secretary of education on subjects relating to the promotion and development of education in the United States and in its possessions.

The other sections of the bill relate to the transfer of the Bureau of Education with its records, employees, and so forth, to the department of education, providing quarters for the same, making available to the educational officers in the several

States and other persons interested in education the result of the studies and investigations made by this department, requiring the secretary of education to make annual report to Congress in writing, and providing that this act shall go into effect July 1, 1930.

A FRIENDLY CRITIC

In my 10 years' service in the House I have heard many eloquent speeches made in behalf of the Departments of State, Finance, National Defense, Agriculture, Commerce, and Labor, and, in fact, in behalf of all the major activities of the 10 great departments of the Government; and also in aid of flood control, river and harbor improvement, reclamation, mining, railroads, lumber, and vocational training in industry and agriculture; but I have heard little discussion on the all-important question of general public education. We largely owe our progress and prosperity to public education.

I am not an unfriendly critic of our public schools. In fact, I attended a small rural public school and later on became a teacher for a time in the rural public schools. I know of no class of men and women of whom so much is required and who give so much of splendid, unselfish service to their respective communities and who receive so little reward as the average public-school teacher. Our purpose is to help, if we can, pupils, teachers, and tax payers. [Applause.]

I have been a member of the Committee on Education of the House for nearly 10 years, and during that time we have had scores of the leading educators, business men, and welfare workers before our committee on bills looking toward the establishment of a department of education. The information that I have received at these hearings, studies made, and my own personal experience in the public schools convince me that education should be aided, encouraged, and dignified by a place in the President's Cabinet. [Applause.]

We now have a population approximating 120,000,000 people and our national wealth is estimated to be more than \$350,000,000,000. Every year Congress appropriates billions of dollars for the activities of the Government pertaining largely to the material welfare of our citizens, and only a paltry few thousand dollars to promote education. I am wondering if we are not advancing our material welfare to the neglect of the physical, mental, and spiritual life of the Nation.

EDUCATION OF MAJOR IMPORTANCE

Our forefathers in the preamble to the Constitution declared their purpose to be to form a more perfect Union, establish justice, insure domestic tranquillity, promote the general welfare, and secure the blessings of liberty to themselves and their posterity. No one believes more sincerely than I do in a policy of adequate national defense on land and sea, in the air, and under the sea, and no one rejoices more than I in our material wealth of rivers, lakes, inland seas, highways, railroads, fertile valleys, and our mountains filled with minerals and precious ores, our banks, our commerce, our factories, forests, fields, and mines, but, my countrymen, the security of this Nation does not rest upon the completeness of our armaments on land and sea, our gold, or our possessions; rather it rests more securely upon the enlightened moral and spiritual leadership of the Nation. China has vast possessions and is rich in natural resources, and has a population three times as great as our own. Russia surpasses us in the extent of her possessions and in population. She, too, is rich in minerals and soils, but they can not compare with our own land. They have neglected too long popular education.

What has contributed as much to make the union of the States more perfect, to establish justice, insure domestic tranquillity, provide for the common defense, promote general welfare, and make secure the blessings of liberty to ourselves and our children as has our schools, colleges, and universities? In urging this measure I feel that I am doing that which will promote the purposes of the founders of the Constitution. [Applause.]

CONSTITUTIONAL

Article I, section 8, of the Constitution, provides:

Congress shall have power to lay and collect taxes, duties, imposts, and excises, to pay the debts and provide for the common defense and general welfare of the United States.

Justice Story, one of the great constitutional lawyers of the Nation, declared that the test was—whether or not the act complained of was for the welfare of the people of the United States and general in scope, and not State or local.

Alexander Hamilton in 1791 stated that the phrase "general welfare" was as comprehensive as any that could be used, and that—

there seems to be no reason to doubt that whatever concerns the general interest of learning, of agriculture, of manufactures, and of commerce are within the sphere of the National Congress as far as regards

an application of money, the only qualification of the generality of the phrase in question which seems to be admissible is this: That the object to which an appropriation of money is to be made must be general, and not local, its operation extending in fact, or by possibility, throughout the Union, and not being confined to any particular spot.

President Monroe in 1822 expressed his attitude on the "general-welfare" clause in the following language:

My idea is that Congress has an unlimited power to raise money, and that in its appropriation it has a discretionary power, restricted only by the duty to appropriate it to the purpose of common defense and of general, not local; national, not State, benefit.

The action of Washington, Jefferson, Madison, and other Presidents, including President Coolidge, and all the Congresses from 1789 to the present time appears to be in harmony with this construction of Article I, section 8, of the Constitution on the "general-welfare" clause. It appears to me that the makers of the Constitution, after they had expressly stated that Congress had the power to lay and collect taxes, and so forth, to pay the debts and provide for the common defense, feeling that the country would grow and expand, a large discretionary power should be vested in the representatives of the people, inserted the saving clause "and general welfare."

The Continental Congress as early as 1787 in the Ordinances of 1787 made provision for the allotment of lands for the benefit of public education, and by various acts and grants from 1787 to the present time Congress has granted to the States nearly 150,000 square miles of public lands expressly for public-school purposes, and even a larger acreage of swamp lands for their benefit, the proceeds of much of which were used for the construction and maintenance of public education.

Only a few days ago this Congress passed an act, and it was signed by the President, granting 50,000 acres of public lands for miners' hospitals in the States of Utah and Arizona. A number of acts were passed by Congress during the term of President Jefferson granting a part of the public domain to States to aid in public education. In fact, 30 States have received large grants from the Federal Government for this purpose, and Congress appropriated \$5,000,000 to the State of Oklahoma in lieu of public lands which became part of the permanent public-school fund of that State. The tables giving names of the States and the amount of public lands granted to the States for public schools are as follows:

Federal land grants for common schools

(States and sections in each congressional township)

GROUP 1. STATES RECEIVING SECTION NO. 16

	Acre
Alabama	911, 627
Arkansas	933, 778
Florida	975, 307
Illinois	966, 320
Indiana	688, 578
Iowa	988, 196
Louisiana	807, 271
Michigan	1, 021, 867
Mississippi	824, 213
Missouri	1, 221, 813
Ohio	724, 266
Wisconsin	982, 329

GROUP 2. STATES RECEIVING SECTIONS NOS. 16 AND 36

California	5, 534, 293
Colorado	3, 685, 618
Idaho	2, 963, 698
Kansas	2, 907, 520
Minnesota	2, 874, 951
Montana	5, 198, 258
Nebraska	2, 730, 951
Nevada	2, 061, 967
North Dakota	2, 495, 396
Oklahoma	1, 375, 000
Oregon	3, 399, 360
South Dakota	2, 733, 084
Washington	2, 376, 391
Wyoming	3, 470, 000

GROUP 3. STATES RECEIVING SECTIONS NOS. 2, 16, 32, AND 36

Arizona	8, 093, 150
New Mexico	4, 355, 662
Utah	5, 844, 196

Total (not including Alaska) 114,304.8 square miles or	73, 155, 075
Alaska reservations ¹ (sections 16 and 36) 32,826.8 square miles or	21, 009, 209

Grand total 147,131.6 square miles or 94, 164, 284

In 1802 and 1803 Congress first made public land grants to States for internal improvements. This policy has been followed from time to time, and millions of acres have been granted for that purpose. During the administration of Andrew Jackson, Congress passed an act, approved June 23, 1836,

by which \$28,000,000 was loaned to the States for internal improvements, education, and other purposes. This money was never repaid.

The Federal Government spent large sums of money in helping to establish State agricultural and mechanical colleges, and we appropriate more than \$2,000,000 every year to help sustain them. The Smith-Lever Act, providing for Federal aid in home economics, was approved May 8, 1914. On February 23, 1917, the Smith-Hughes vocational education law was passed, which marked the entrance of the Federal Government upon a national policy of aiding in vocational education. These acts were followed by the Smith-Sears Act, approved June 27, 1918, providing funds for the vocational rehabilitation of disabled soldiers and sailors, and the Smith-Bankhead Act, June 2, 1920, to provide funds for the vocational rehabilitation of citizens disabled in industry or otherwise, and about the same time we passed the Federal aid road act, and at this session of Congress we passed the act to aid vocational training in agriculture.

To carry out these various acts Congress appropriated in 1912 over \$8,000,000; in 1920, nearly \$36,000,000; in 1921, with the Federal aid for roads included, it jumped to more than \$90,000,000. In 1927 the amount was \$136,659,786.40, and the purposes for which this sum was expended are as follows:

Federal-aid payments to the States for the fiscal year 1927

Support of agricultural colleges.....	\$2,400,000.00
Support of experiment stations.....	2,400,000.00
Cooperative agricultural extension work (1926).....	6,875,727.55
Vocational education.....	7,184,901.51
Vocational rehabilitation.....	880,263.00
Highways.....	81,371,013.03
National Guard.....	31,363,935.31
Forest fire prevention.....	654,101.57
Distribution of nursery stock.....	71,194.61
Forestry extension work.....	46,241.64
Maternity and infancy hygiene.....	899,824.71
State fund under oil leasing act.....	2,498,689.58
State fund from sale of public lands (1926).....	13,893.96
Total.....	136,659,786.47

This does not include the sums carried for the Bureau of Education for educational activities in the United States, which in that year amounted to \$221,600.

Specific appropriations for the Bureau of Education

Year	Total
1867 and 1868.....	\$18,592
1869.....	20,000
1870.....	6,000
1871.....	14,500
1872.....	26,500
1873.....	34,850
1874.....	34,850
1875.....	35,570
1876.....	35,570
1877.....	31,060
1878.....	30,340
1879.....	31,220
1880.....	28,720
1881.....	52,780
1882.....	56,155
1883.....	58,555
1884.....	56,455
1885.....	55,955
1886.....	58,595
1887.....	56,095
1888.....	54,920
1889.....	54,920
1890.....	54,920
1891.....	57,220
1892.....	58,620
1893.....	57,570
1894.....	56,320
1895.....	58,320
1896.....	61,320
1897.....	61,520
1898.....	61,520
1899.....	61,270
1900.....	61,270
1901.....	62,670
1902.....	63,370
1903.....	63,990
1904.....	62,190
1905.....	62,190
1906.....	62,390
1907.....	64,190
1908.....	66,250
1909.....	67,500
1910.....	72,200
1911.....	72,200
1912.....	79,800
1913.....	88,800
1914.....	89,000
1915.....	120,500
1916.....	120,500
1917.....	125,500
1918.....	139,300
1919.....	162,260
1920.....	216,960

¹ Reserved but not granted; area estimated.

Think about the situation: The Commissioner of Education looking after the reindeer of Alaska; over \$700,000 go to Alaska; \$284,000 go to education in the 48 States. I want to see the reindeer in Alaska taken care of, but I am more concerned, ladies and gentlemen, in taking care of the 30,000,000 boys and girls in the United States who are in schools and colleges. [Applause.]

BUREAU OF EDUCATION

In 1867 Congress established the present Bureau of Education and has annually made appropriations for its support. If Congress had the power to appropriate public lands and money to establish and maintain schools and colleges in the various States and create a Bureau of Education, it certainly has the power to create a department of education.

There is nothing sacred in the number "10" of the departments of our Government. We started with only three departments, and as the country grew in wealth and population and the activities of the Government were enlarged, the Departments of Army, Navy, Interior, Agriculture, Commerce, and Labor were established. The same objections were urged to the establishment of the Departments of the Interior, Agriculture, Commerce, and Labor as are now being urged against a department of education. The same objections were urged to the establishment of a Bureau of Education as are now being urged to the establishment of a department of education. All these were established because it was believed by the Congresses and the Presidents that they were acting in harmony with the "general welfare" clause of the Constitution.

WASHINGTON—MADISON—HAMILTON—JEFFERSON—ADAMS

Many of those who oppose this legislation urge that it is not in keeping with the spirit of our Government and violative of the fundamental law of the land.

Washington presided over the Constitutional Convention; Madison is not infrequently declared to be the "father of the Constitution"; Hamilton was one of the outstanding leaders in that great body. Jefferson and Adams were quite as familiar, no doubt, with the power delegated to Congress by the Constitution as some of the opponents of this measure. It is interesting to note the attitude of these great patriotic American leaders on this important subject. Their writings and acts while President clearly indicate that they fully believed that Congress has the power to aid and encourage education in the States.

Washington in his first message to the Congress declared:

Nor am I less persuaded that you will agree with me in opinion that there is nothing which can better deserve your patronage than the promotion of science and literature. Knowledge is in every country the surest basis of public happiness. In one in which the measures of government receive their impressions so immediately from the sense of the community as in ours, it is proportionably essential. To the security of a free constitution it contributes in various ways—by convincing those who are intrusted with the public administration that every valuable end of government is best answered by the enlightened confidence of the people, and by teaching the people themselves to know and to value their own rights; to discern and provide against invasions of them; to distinguish between oppression and the necessary exercise of lawful authority; between burthens and proceeding from a disregard to their convenience and those resulting from the inevitable exigencies of society; to discriminate the spirit of liberty from that of licentiousness—cherishing the first, avoiding the last—and uniting a speedy but temperate vigilance against encroachments, with an inviolable respect to the laws.

Whether this desirable object will be best promoted by affording aids to seminaries of learning already established, by the institution of a national university, or by any other expedients will be well worthy of a place in the deliberations of the legislature.

President Madison in his second annual message to Congress on December 5, 1810, urged the Congress to aid education in the following language:

Whilst it is universally admitted that a well-instructed people alone can be permanently a free people, and whilst it is evident that the means of diffusing and improving useful knowledge from so small a portion of the expenditures for national purposes, I can not presume it to be unreasonable to invite your attention to the advantages of superadding to the means of education provided by the several States. A seminary of learning, instituted by the National Legislature within the limits of exclusive jurisdiction, the expenses of which might be deferred or reimbursed out of the vacant grounds which have accrued to the Nation within those limits. Such an institution, though lacking in its legal character, would be universally in its beneficial effects by enlightening the opinions, by expanding the patriotism, and by assimilating the principles, the sentiments, and the means of those who might resort to this temple of science to be redistributed in due time to every part of the community. Sources of jealousy and prejudice would be diminished,

the features of national character would be strengthened, and greater extent given to social harmony. But, above all, a well constituted seminary in the center of the Nation is recommended by the consideration that the additional instruction emanating from it would contribute not less to strengthen the foundation and to adorn the structure of our free and happy system of government.

President Jefferson in his eighth and last message to the Congress, speaking of the continuance of certain revenues for certain purposes, names education among the first that deserves favorable consideration of the Congress:

Patriotism would certainly prefer its continuance and application to the great purpose of public education, roads, rivers, canals, and such other objects of public improvement as it may be thought proper * * *. By these operations, new channels of communication will be opened up between the States, the lines of separation will disappear, their interest will be identical, and their union cemented by new and indissoluble ties. Education is here placed among the articles of public care. A public institution can alone supply those sciences which are necessary to complete the circle, all the parts of which contribute to the improvement of the country, and some of them to its preservation.

President John Quincy Adams said in his first annual message to the Congress:

The great object of the institution of civil government is the improvement of the conditions of those who are parties to the social compact and no government in whatever form constituted can accomplish the lawful ends of its institutions but in proportion as it improves the conditions of those over whom it is established * * *. Among the first, perhaps the very first, instruments for the improvement of the conditions of man is knowledge adapted to the wants, the comforts, and the enjoyments of human life.

From President Harding's message to Congress, December, 1922:

From the very beginning public education has been left mainly in the hands of the States. So far as schooling youth is concerned the policy has been justified, because no responsibility can be so effective as that of the local community alive to its task. I believe in the cooperation of the national authority to stimulate, encourage, and broaden the work of the local authorities. But it is the especial obligation of the Federal Government to devise means and effectively assist in the education of the newcomer from foreign lands, so that the level of American education may be made the highest that is humanly possible.

From President Coolidge's message to Congress December 4, 1928:

While this province belongs peculiarly to the States, yet the promotion of education and efficiency in educational methods is a general responsibility of the Federal Government.

From President Coolidge's message to Congress December 6, 1923:

Having in mind that education is peculiarly a local problem, and that it should always be pursued with the largest freedom of choice by students and parents, nevertheless, the Federal Government might well give the benefit of its counsel and encouragement more freely in this direction. If anyone doubts the need of concerted action by the States of the Nation for this purpose, it is only necessary to consider the appalling figures of illiteracy representing a condition which does not vary much in all parts of the Union. I do not favor the making of appropriations from the National Treasury to be expended directly on local education, but I do consider it a fundamental requirement of national activity which, accompanied by allied subjects of welfare, is worthy of a separate department and a place in the Cabinet. The humanitarian side of government should not be repressed, but should be cultivated.

Mere intelligence, however, is not enough. Enlightenment must be accompanied by that moral power which is the product of the home and of religion. Real education and true welfare for the people rest inevitably on this foundation, which the Government can approve and commend, but which the people themselves must create.

From President Coolidge's message to Congress, 1927:

EDUCATION

For many years it has been the policy of the Federal Government to encourage and foster the cause of education. Large sums of money are annually appropriated to carry on vocational training. Many millions go into agricultural schools. The general subject is under the immediate direction of a Commissioner of Education. While this subject is strictly a State and local function, it should continue to have the encouragement of the National Government. I am still of the opinion that much good could be accomplished through the establishment of a department of education and relief, into which would be gathered all of these functions under one directing member of the Cabinet.

The Republican Party at its national convention at Cleveland in 1924 spoke as follows on the questions of a department of education and relief:

The conservation of human resources is one of the most solemn responsibilities of government. There is an obligation which can not be ignored and which demands that the Federal Government shall as far as it lies within its power give to the people and the States the benefit of its counsel.

The welfare activities of the Government connected with the various departments are already numerous and important, but lack of coordination which is essential to effective action. To meet these needs we approve the recommendation for the creation of a Cabinet post of education and relief.

DEMOCRATIC PLATFORM

A plank adopted at the Democratic National Convention in 1924 in New York City declares as follows:

We believe with Thomas Jefferson and other founders of the Republic that ignorance is the enemy of freedom, and that each State, being responsible for the intellectual and moral qualifications of its citizens and for the expenditure of moneys collected by taxation for the support of its schools shall use its sovereign right in all matters pertaining to education. The Federal Government should offer to the States such counsel, advice, and aid as may be made available through the Federal agencies for the general improvement of our schools in view of our national needs.

It will be observed that the Democratic platform says:

We believe with Thomas Jefferson and other founders of the Republic that ignorance is the enemy of freedom. * * * The Federal Government should offer to the States such counsel, advice, and aid as may be made available through the Federal agencies for the general improvement of our schools on view of our national needs.

The Republican Party states in its platform that the welfare activities of the Government lack coordination, and to meet these demands—

we approve the creation of a Cabinet post of education and relief.

ORGANIZATIONS PRESS AND CITIZENS FAVOR

We hear it said by many opponents of the department of education that the only persons who favor the creation of this department is a self-seeking organization, referring to the National Education Association. The National Education Association is made up of about 200,000 teachers and other officers engaged in the work of public education throughout the Nation. They are in charge of public education. They know the needs of education in this country and their support of this measure should have great weight; but this is not the only organization that is backing a department of education. It numbers among its supporters some 35 or 40 of the great educational, fraternal, and welfare bodies of the country. Among them are the following:

- National Congress of Parents and Teachers.
- American Federation of Teachers.
- General Federation of Women's Clubs.
- National League of Women Voters.
- American Federation of Labor.
- National Committee for Department of Education.
- Supreme Council, Scottish Rite of Free Masonry, Southern Jurisdiction of the United States.
- International Council of Religious Education.
- National Women's Christian Temperance Union.
- National Council of Jewish Women.
- National Federation of Business and Professional Women's Clubs.
- American Association of University Women.
- General Grand Chapter of the Order of the Eastern Star.
- National Women's Trade Union League.
- National Board of Young Women's Christian Association.
- Federal Council of Churches of Christ in America.
- National Federation of Music Lovers.
- American Library Association.
- National Society for Vocational Education, Women's Relief Corps.
- National Kindergarten Association.
- American Home Economics Association.
- American Nurses' Association.
- American Hellenic Educational Progressive Association.

Mr. BLACK of New York. Mr. Speaker, will the gentleman permit a question at that point?

Mr. ROBSON of Kentucky. In a moment.

It will be observed that this includes the National Education Association, the National Congress of Parents and Teachers, the American Federation of Teachers, the General Federation of Women's Clubs, the National League of Women Voters, and the American Federation of Labor.

Can it be said that these groups of people representing together millions of parents, teachers, and welfare workers are not acquainted with the needs and interested in the children of the land, the cause of education, and the preservation of our country? I could not wish for better support than the millions of these unselfish men and women, members of these 35 or 40 great American organizations.

Furthermore, there are hundreds of thousands of individual citizens, many great newspapers and periodicals supporting this measure who have no membership in the organizations to which I refer. Three polls of the Sixty-ninth and Seventieth Congresses show a comfortable majority in both Houses favorable to a department of education, but neither the House nor Senate has ever had an opportunity to vote on a measure creating a department of education. These measures have been smothered in committee by men being placed or getting on the Committees on Education of the House and Senate who are opposed to this measure.

One of these days the American people are going to insist upon their representatives in the House and Senate being given an opportunity to express the will of the Nation on this very, very important piece of legislation.

30,000,000 PUPILS

That we may have a more comprehensive idea of the importance of this program, I wish to call your attention to the fact that we have about 30,000,000 students and nearly 1,000,000 teachers in the schools, colleges, and universities of the Nation. We spend in round numbers \$3,000,000,000 annually for education, and have invested in lands, buildings, and equipment more than \$5,000,000,000. These 30,000,000 young people of to-day will become the Republic of to-morrow. Let us remember that the "trained mind" is the greatest producing agency in the world, and without it fertile soil, timbered lands, and mineral deposits are but so much useless material. The State that fails to educate "dooms its children to political and industrial subjugation." The human mind can not visualize the potential power and wealth of these 30,000,000 young Americans, trained as they should be physically, mentally, and spiritually. The question arises, Are we, under present methods, giving to these young people the training to which they are entitled and which will best equip them to be most useful to themselves and our country, and, furthermore, is this education being provided with due regard and consideration for the taxpayer? Looking at the program in its larger aspects we may admit that we have a sufficient number of teachers, ample investment and equipment; however, I think a research and study will disclose that there is much yet to be desired, helpful to the pupils, better training and better pay for our teachers, and wide improvement may be made in buildings and equipment and economies may be effected resulting in large benefits to the taxpayer.

\$200,000,000 FOR RESEARCH

The National Education Association is one of the earnest sponsors of this measure. The teachers realize the tremendous responsibility to these 30,000,000 young Americans and to the taxpaying public. They know the situation. They tell us that they need help, and they are pointing to the way in which we can help. They urge us to give to education the same encouragement and dignity we give to commerce, agriculture, and labor. The Bureau of Education has now been created more than 60 years, but we have starved it from the time of its creation. Last year we appropriated something less than \$1,000,000 for the Bureau of Education, but we directed that not more than \$284,000 of it be used for education in the United States and more than \$700,000 of that sum we directed to be used in Alaska, under the direction of the Commissioner of Education, looking after reindeer, health, education, and so forth, of the people of the small number of people in Alaska. Is it not a crying shame that we should use nearly three times as much money for the reindeer, health, and education in Alaska as we use for education in the 48 States? Are not the 30,000,000 "deers" of the 48 States of much more importance to the welfare of this country than the "deers" of Alaska? There are those who make light of research and survey in education. The February, 1929, number, of the Nation's Business has a very illuminating article on "debunking research." The writer points out that, in 1927, according to a compilation made by the National Research Council, there was spent for scientific research in industry that year \$200,000,000, while we only spent the small sum in university and governmental research of \$17,000,000. If the hard-headed business men of the country see the necessity and value of spending \$200,000,000 for research in commerce, mines, factories, and so forth, how much more important is it that we have proper research to deal with the 30,000,000 pupils, 1,000,000 teachers, nearly 300,000 public

educational institutions, and the expenditure of \$3,000,000,000 annually for educational purposes? This writer says that, although industry spent \$200,000,000 in 1927 and large sums before that time in research, many great corporations were unable to go ahead in some lines because of lack of fundamental and scientific information. We have the students, we have the teachers, and we have the buildings and equipments; but are we proceeding along the best and most economical lines for the good of these students and with due regard for the taxpayers? The great activities of the Departments of Commerce, Agriculture, and Labor are in research. The Department of Commerce is constantly seeking new markets for American products and to bring the producers and consumers together. These researches have brought us billions of dollars of foreign commerce and greatly benefited labor as well as industry. We spend other millions every year in research in agriculture. The experimentation, studies, surveys, and researches by the Bureau of Roads in the Department of Agriculture as to materials, plans of construction, financing of highways and bridges, in my judgment have saved the American many times their cost; and who can estimate how much has been saved in handling our crops, fruits, cattle, and poultry, in producing and marketing them? The result of these researches is made available to all of our citizens. No one is compelled to accept this information, but our citizens are gladly availing themselves of this service, and it is adding to the progress and prosperity of the Nation.

Now, we insist upon research, study, and investigation for education. There are wider differences in educational conditions in the various communities in the country than there were in the matter of building roads and in agriculture. Research will gather best methods and plans of construction of building, of financing, courses of study, training of teachers, recreational, primary, elementary and higher education, and make this information available to educational institutions and officers and all others interested in education in the Nation. This will bring about closer cooperation and coordination. Understand that this information will not be forced upon anyone. The Man of Galilee said that "the truth will make us free." We know that the people of the land will be anxious to know the truth. Whatever has proven to be sound and helpful in one community will then be available to the people of every other community of the land—just like our information about roads, poultry, cattle, fruits, and so forth. All who have made a study of our educational programs agree there is tremendous waste in the cost of operation of many of our educational institutions and more unfortunate still the waste of human energy and opportunities. We have not as yet worked out a comprehensive plan of coordination of elementary, secondary, and higher institutions of learning. These do not articulate as they should. They do not fit in together. There is too much lost motion and waste of effort and money. We must work out plans for elementary education with the ultimate view of having them fit into the high-school and college systems. Courses of study, buildings, and equipment should be planned and laid out with regard to their ultimate ends and purposes. The elementary program should naturally fit into junior high, advanced high, and college work. School officials, parents, teachers, and pupils should have before them the best plans, the most successful programs of the various communities and the States of the Union. We too long have had the idea of giving students some learning, some culture, and too often ignore the practical aspects of education. The students should be trained along lines so as to enable them to be most useful to themselves and to their communities. These studies, no doubt, will point out the value of high standards of qualifications and better pay for teachers and to emphasize more clearly the importance of knowledge of methods in presenting the subjects and to give more study to the habits, dispositions, and natural capacities of the pupils.

Let this department of education do for education what agriculture, commerce, and labor are doing for the respective groups that they serve. If research is essential for agriculture, commerce, and industry, how much more is this service essential to education? The success of all of the 10 departments and special activities of our Government that they represent, and industry, and the perpetuity of our Government and its institutions depend upon enlightened citizenship, and it is unthinkable to me that the agency of the Government that represents the great cause of education is hid away as a small bureau in a great department and starved to death. Can it be that we regard the welfare of chickens, pigs, cattle, sheep, roads, and instruments of war of more importance than the 30,000,000 children of the land seeking an education? With these properly trained, the Republic is secure, and the peace, happiness, and the prosperity of the Nation are assured.

FIVE MILLION ILLITERATES

The United States Chamber of Commerce recently issued a bulletin entitled "Illiterates." They point out that the census of 1920 disclosed nearly 5,000,000 people in the United States over 10 years of age who confessed that they can not read or write in any language. This does not include perhaps another million or more who kept this incapacity concealed from the census enumerators. The Army test during the World War under the draft disclosed that about 25 per cent of the flower of the young manhood of America called to the defense of our country was unable to read and understand newspapers, or to write letters to their loved ones at home. This means that there were about 1,500,000 of our young men called to the colors who found themselves in this condition.

The illiteracy commission of the National Education Association, after a careful study of the question, has published its conclusions to the effect that nearly 20,000,000 of our population above the age of 10 years can not make effective use of reading and writing in their daily tasks.

Franklin K. Lane, the great Secretary of the Interior under President Wilson, declared that illiteracy was costing this country the sum of at least \$825,000,000 annually. It is further declared that illiteracy most often walks hand in hand with poverty, waste, low standards of living, crime, and ill health.

We find that the school terms range from 5 to 9 months to the year, and that the salaries range from \$290 to \$1,290 per year in the various States. The United States Chamber of Commerce further declares that the first and chief cause of illiteracy is inadequate schools. This covers teachers, buildings, equipment; second, inadequate or unenforced attendance laws; and third, immigration. We also find from the last available statistics 30,000 teachers with not more than an eighth-grade education, and 300,000 who have had no special, professional preparation for the work of a teacher, and hundreds of thousands of our teachers are less than 21 years of age. Can it be said with any degree of fairness, with these facts staring us in the face, that we are doing the job as it ought to be done?

OTHER OBJECTIONS

We have shown that the bill does not in any way interfere with local and State regulation of the public or private educational institutions in the several States; that Congress has the power under the Constitution to establish a department of education; that practically all of the Presidents and all the Congresses from 1789 to the present time have not only recognized the importance of public education, but have approved grants of land and money to aid education; that there is a genuine need for a department of education and that it can and will render effective service to education throughout the United States and its possessions; that a department of education will be of special service to the rural schools and backward communities; that research and investigation will help education as much or more than research and investigation have aided commerce and industry; and that there is a real public demand for a department of education with a secretary as a member of the President's Cabinet.

We wish to point out and attempt to answer some of the other objections.

No. 1. A department of education would destroy local initiative and support of education.

If we are to judge by the experiences of the Federal Government in aiding education in the States for over 100 years, this objection becomes a mere assertion without foundation in fact. Instead of destroying initiative and support of education in the States, it has encouraged it beyond all expectations.

No. 2. A department of education would create an educational bureaucracy in Washington.

The meaning intended to be conveyed by the word "bureaucracy" is that the Federal Government will assume control of education. We have elsewhere stated that this control can not be obtained except by an amendment to the Constitution of the United States.

Digressing for a moment, I want to say that, in my opinion, the word "bureaucracy" has become a means of expressing contempt for our form of Government. It is far too frequently used by irresponsible persons of bad designs on our institutions. Boards, bureaus, commissions, and departments and similar administrative agencies are the outgrowth of evolution in government. They are the only means by which our Government can be administered. They are the only instrument through which Congress expresses the will of the people and should be respected by all loyal citizens.

No. 3. A department of education will standardize education.

The opponents do not tell us what they mean by this statement. If they mean that the Federal Government will attempt to set up a code of rules to govern the classroom teaching or a

set of rules to be followed by the various State school officials, their fears are without foundation, for this is but another way of saying that a department of education will interfere with the rights of the States to control the administration of their schools.

If the opponents of the bill mean that comprehensive research work will lead to an undesirable uniformity in educational procedure their fear is groundless. Educational research as well as all other research work leads away from the kind of undesirable uniformity which now exists in those centers where progressive ideas are slowly adopted because of the inability to get them. In such centers intelligent teaching and sound business administration of schools will rapidly take place because of the influx of progressive ideas resulting from the distribution of the best thought and the latest scientific achievements by the department of education gathered from the more progressive centers of the country. If the opponents of the bill mean that a distribution of the results of a comprehensive research program will constantly tend to bring the backward centers in education up to the standards of the most progressive centers we gladly admit their declaration. This is the outstanding purpose for creating a department of education. This is the vision by implication which Washington and other early Presidents had when they repeatedly recommended to Congress the wisdom of encouraging education in the States. They went so far during their time as to recommend the creation of academies, seminaries, and other institutions of learning out of the resources of the Federal Government. Of course, in their day education was thought of in terms of reading, writing, arithmetic, the arts and sciences, the knowledge of which was to be had at academies, seminaries, and colleges. These they wanted widely distributed and at public expense. The educational processes was then not thought of as a science in itself, and like all other bodies of scientific thought it is constantly in a state of change. To-day the educational process finds itself to be a multitude of interrelated sciences, from the process of kindergarten teaching through the various specializations in the primary, intermediate, and secondary schools; in fact, on through the modes of teaching the sciences themselves, including art, music, commerce, agriculture, and so forth.

No. 4. The creation of a department of education will be an entering wedge for Federal control of our State schools.

When the opponents of the bill creating a department of education are cornered and do not know what else to say, they play up the "bugaboo" that a department will be the entering wedge to Federal control of our schools. The critics of the proposed department of education seem to forget what I have just stated, that the Federal Government established a policy of encouraging education a century and a quarter ago and that this policy has expanded until the civilian activities alone are now spread over four departments and several independent agencies, among which is the Federal Board for Vocational Education. The critics seem not to be able to distinguish between an agency set up to administer law and the law itself. A bureau has just as much administrative authority with respect to carrying the intent of Congress as a department; in fact, it is the instrument by which the department acts under authority of Congress. And to repeat, Congress has no authority to control the administration of the public schools. The only entering wedge, therefore, which could be put into motion would be a proposed amendment to the Constitution of the United States, taking the power of school administration from the States, a proposal as impracticable as it is undesirable.

Governments like other human institutions either grow or they decay. All three branches of the Federal Government have expanded enormously. The legislative branch has expanded through increased membership and the creation of powerful committees. The judicial branch had expanded greatly; first, in the increase of the personnel of the Supreme Court, and, secondly, in the greatly increased number of lower Federal courts. There is nothing strange or unusual in the creation of a department. The Federal Government started with 3 and now has 10. Each new one is but an additional limb to the executive branch of our National Government, the creation of which lifts the burdens from the other departments and thus balances the work. Many of the departments to-day are out of balance.

Placing related administrative educational matters under one head is good business management. It is in agreement with the recent press announcements of President-elect Hoover and such is the policy of all wide-awake corporations, State and municipal governments. The application of this principle to the present educational activities of the National Government possesses many desirable features, among which are these:

(a) Congress will be able to see at a glance the entire educational program which will aid greatly in dispatching legislation.

(b) With the aid of the secretary of education, Congress can detect and obviate duplication of educational work which doubtless occurs under the present system, or may I say lack of system.

(c) Education will be placed on an equality with other welfare activities of the Federal Government such as commerce, labor, and agriculture, upon which all three of these basic national activities depend for their greatest success.

Dr. C. R. Mann, director American Council on Education, made this statement at the hearings before the Committee on Education of the House of Representatives of the Seventieth Congress:

Education may well claim rank in the National Government equal to that accorded to agriculture, commerce, and labor. The true functions of these departments are no more executive and administrative than are those of education. All are essentially research and news distributing agencies, enlightening the public by collecting and disseminating significant and valid information of wider scope than any State could secure by itself alone. By their constructive influence on American life they have fully justified the wisdom of establishing them.

No. 5. A department of education will increase the cost of education.

The opponents of a department of education like to talk about the cost of education. They mean gross cost. They never seem to think of the net profits accruing from education in both dollars and the fundamentals of modern civilization.

The saddest story in history, and certainly the most absorbing to the student, is a study of the contributing causes of the rise and downfall of civilizations. A well-known publicist, who has written extensively on the rise and fall of civilizations, says that we have reached a point in density of population and complexity of life where civilization is now "a race between catastrophe and education."

Education—and I am now speaking in the broad sense, the business phase, the determination of curriculums and teaching processes—like any other growing science, is based on facts, methods, and principles deduced from theory and practical experiences—trial and error, trial and success. To expedite the growth of this science and to make quickly available to the boards of education, to superintendents of schools and to teachers throughout the Nation, the results of current practices or experiments, a broad, comprehensive program of research is essential. To show that such a program is essential let us examine just four subjects for which there is an immediate crying need. There are a multitude of others, and in any healthy civilization many are constantly arising. The four that I will bring to your attention are—

First. Forms of school taxation.

Second. Construction and plan of school buildings.

Third. Rural school situation.

Fourth. Retardation or the failure of a million children annually in our public schools, to say nothing of the private schools.

I select these four subjects for research as an illustration because they have a more direct bearing on cost than many of the others which are peculiar to the psychological processes of teaching and the intricate business principles of school or municipal administration. The facts under these four subjects are less mystical to the lay mind but of no more importance socially and economically than those of pure pedagogical science.

1. FORMS OF SCHOOL TAXATION

Doctor Tigert, the retiring Commissioner of Education, gave an interview to Mr. Thomas R. Henry, feature writer of the Washington Evening Star, on What United States Education Needs. The story of this interview appeared in the Sunday issue of August 8, 1928. Doctor Tigert said:

No scientific study has ever been made of the proper form of taxation for school revenue. There is no guide to which the various local officials can turn. Everything is chaos. Yet since 1920 the national bill for education has doubled. * * * Surely an expenditure of wealth should not be haphazard.

Under the direction of a department of education modern business methods applied as a result of research will bring order out of the chaos which Doctor Tigert has here in mind. Nothing else will, and why insist that 48 States set themselves each to the task of doing the same job which can be done and ought to be done by the Federal Government once every decade or so?

2. CONSTRUCTION AND PLAN OF SCHOOL BUILDINGS

A. Lincoln Filene, of Boston, one of the leading business men of the country, has been consistently an advocate of a department of education. In a paper presented at the hearings we find this statement:

My advocacy of a bill creating a department of education rose out of my contact with education and my contact with research as it has been applied to business. As a member for many years of the advisory board of education of the State of Massachusetts and from contacts with other educational groups, I have been frequently impressed with the great need for more facts as a basis for educational practice. Education is one of the great enterprises of this country. The present value of public-school property in the United States is \$4,676,603,539.

In 1926 the Nation expended \$411,370,774 for school buildings and sites. Much of this money was wasted because local boards did not have the latest information on the proper construction and utilization of school plans. Research would allow the school committee (or the board of education) of each individual city to reduce expenses and carry out a far more effective plan of school construction. Through information given by a Federal department of education it could profit by the examples, good and bad, of what other communities with similar problems had done. The expenditures for public elementary and secondary schools alone for current expenses and building costs in the United States in 1926 were \$2,200,812,685. In the conduct of this great enterprise too much waste takes place. We find obsolete and unjust methods of taxation; funds not distributed so as to equalize educational opportunities. Many boards can not tell with accuracy what their own schools cost; it is impossible to obtain accurate figures as to the separate costs of elementary, junior and senior high school education. Careful budgetry is probably the exception rather than the rule in planning school expenditures. Research is needed to work out the best methods of school accounting and the budgetry procedure in order to guard against waste.

On the above figures for the cost of school buildings and sites a saving of approximately \$20,000,000 would result each year and remain in the pockets of the taxpayers. The cost to the Federal Government for this one item of research would be about \$500,000, or a little more than twice the amount recently appropriated for research work in connection with secondary schools. Net profits on this one subject for research alone would be about \$19,000,000. Surely guesswork procedure wastes millions of dollars every year in the conduct of our schools.

3. RURAL EDUCATION

We again quote from the interview which Mr. Henry had with Doctor Tigert:

Everywhere in the field of public education, from the kindergarten in the city slums to the great State university, Doctor Tigert sees fundamental problems. But he feels that the greatest problem of all remains that of the rural school of the type he characterizes as "a little building on a little plot in a little place where a teacher with little pay teaches little things." Such a school, he says, compares with the average city school as the oxcart of the pioneer compares with a fast automobile. The oxcart gave notable service in its time and place. It was the instrument with which empires were built. By means of this slow, cumbersome means of transportation great men carried civilization into the wilderness and beyond. In the same period the 1-room school also was invaluable. The list of celebrated Americans who were products of these rude crossroads shacks is so impressive that it throws a false glamor over them.

Long since the children of the pioneers have junked the oxcart. These now are museum rarities. They are economic impossibilities. Yet the oxcart of education still creaks along through the rural districts, regardless and almost disdainful of the 8-cylinder automobiles of education which have been created during the past half century.

"Equality of opportunity" is a cherished American slogan. Yet gross inequalities exist at the very roots of opportunity—elementary education. Out of 275,000 public schools in the United States which are creating the Americans of the future, 158,000 are of this 1-room type. Their students number 5,000,000, one-quarter of all the public-school students of the Nation.

These 5,000,000, Doctor Tigert holds, are denied anything like equality of educational opportunity. The sons and daughters of the rural population served by such schools, he holds, are deprived of a good start in life. True enough, men and women in the past have risen to greatness on the rural 1-room school and they probably will do so again. Well, for that matter, Columbus discovered America with ships of a type on which only a crack-brained adventurer would venture to sea to-day.

The retiring head of the Bureau of Education is not sure, in fact, that this sort of school is not worse than nothing at all. He feels that the boy or girl might get more education merely by living in the town and absorbing, without instruction, some of the present-day science and culture.

4. RETARDATION OR FAILURE OF PUPILS

Doctor Davidson, superintendent of public schools in Pittsburgh, Pa., and former president of the National Education Association, is authority for the statement that from 1,000,000 to 1,250,000 children fail in the public schools of America. The private schools doubtless have about the same ratio of failures.

Doctor Davidson said at the recent hearings on the education bill:

Why do the children fail? As I have already tried to say that is entirely discoverable by the proper scientific studies. Many cities are making such studies and many States are making such studies at the present time, but obviously the study of any one State or of any given city loses its largest value if a clearing house is not established through which these facts can be gathered and disseminated throughout the Nation.

It is estimated that the cost in dollars of having these children "repeat" the work that they have already been over is upward of \$85,000,000. The National Education Association, which is so intimately associated with the whole problem of education, states in one of its bulletins that "the social cost in mal-educated children, given the habit of failure, is far greater than the annual cost in dollars. Most of the \$85,000,000 can be saved and used for increasing the meager educational opportunity now offered many children. The million and more children who fail each year will be given a hopeful rather than a destructive attitude toward life. Better teaching methods, wise selection of teaching matter, deeper study of child nature can solve the problem. Only a department of education can expect to command the resources or the prestige essential to the great work to be done in making the education of our children less of a guesswork and more of an intelligent procedure.

Will those who say that a department of education will increase the cost of education please reply?

Now, it is true that research work costs money. It requires the employment of able statisticians, research analysts, and clerical help, but research is to education what replacement is to the maintenance of manufacturing, industrial, and commercial plants. Every business man knows that he must set aside a fund for replacement and depreciation or go out of business. It is an ever-present problem in education to discover new processes and to adapt old processes to new needs of a constantly changing condition in society. This is the natural law in the social world—the wheels of progress must be kept turning on the axis of education or down goes civilization! Simple, is it not, when we apply our minds seriously to some of the more concrete problems which have been illustrated by the four subjects just considered? But who is to pay for the essential research work to keep our greatest and most important enterprise at the highest state of efficiency? Shall the States and cities assume all of the cost of research work or shall the Federal Government shoulder part of it? It would appear to be the consensus of opinion among public-school educators that many of the States have neither the vision nor the resources to carry on a broad perpetual program of research which would essentially require statisticians and research analysts of each State to go into every other State for the desired information. True, the States are now doing some of it. The cities are doing some of it, and private wealth is doing some of it, but since such work is so vital to the cause of education in the States and so vital to the perpetuation of our national civilization why should each of the 48 States plus our other political organizations set up research expense accounts to do identically the same job?

The situation is well summed up by a recent statement by Charles R. Mann previously quoted:

The task of collecting, classifying, and testing all the information that is needed is too large for any local, State, or voluntary organization. Each individual group must be active in finding and studying the facts of its own environment. But the significant facts of local life must be united in a national picture, which, by comparing trends and tendencies, would arouse the sporting spirit of local groups to compete for honorable mention for distinguished service in realizing more fully our national ideals.

I now yield to the gentleman from New York.

Mr. BOYLAN. I want to ask the gentleman if he believes in State rights.

Mr. ROBSION of Kentucky. I believe in all of the rights granted to the States by the Constitution of the United States.

Mr. BOYLAN. Does not the gentleman think that this is primarily a State function? If the conditions exist as suggested by the gentleman, are they not due to the respective States, and if they do exist, what great magic wand could be waved over the situation that would bring about a change, and could that change be accomplished by having a man sit in the President's Cabinet?

Mr. ROBSION of Kentucky. I have called attention to the provisions of the bill itself which expressly provide that nothing contained in this act shall in any way infringe upon or impair the rights, laws, duties, or responsibilities of the several States and the citizens thereof, not only as to public schools and public institutions of education, but likewise as to private schools and private institutions of education. Nothing in this bill in any way seeks to change the laws or the regulation of the schools and educational institutions of the several States.

Washington, Madison, Jefferson, Monroe, and other Presidents, Hamilton, and each and every Congress since 1789 have recognized the right of the Congress under the Constitution to aid and encourage public education in the States.

A department of education here would establish a clearing house of information, statistics, and facts for the use and benefit of all those interested in education who might desire to avail themselves of this service. There is nothing in the bill that would compel any school or school officer, teacher, or pupil to accept this information.

I am sure the gentleman from New York would not want to do away with the Departments of Commerce, Agriculture, or Labor. They serve labor and industry largely by research, study, and investigation, making the information available to all those who might be interested.

Our liberties, our peace, our prosperity depend upon an enlightened citizenship—education. Is our interest in railroads, coal mines, factories, agriculture, corn, wheat, poultry, hogs, and cattle—all of which are tremendously important—more important than the childhood, the young manhood, and young womanhood of the Nation who will become the Republic of to-morrow?

In placing a representative of education in the Cabinet of the President, we would be putting first things first, and giving to the 30,000,000 students, the nearly 1,000,000 teachers, and the nearly 300,000 public educational institutions a voice at the council table of the Nation. [Applause.]

Mr. BLACK of New York. Mr. Speaker, I ask unanimous consent to address the House for seven minutes.

The SPEAKER. The gentleman from New York asks unanimous consent to address the House for seven minutes. Is there objection?

There was no objection.

Mr. BLACK of New York. Mr. Speaker and gentlemen of the House, the gentleman who has just discussed the department of education bill is a little more frank on the subject than others who have favored it before the Committee on Education. He frankly believes that the educational problem of the country can be solved by Federal money; but the National Education Association, and others, who have favored the bill in recent years have tried to sheer away from the notion of large Federal appropriations. Originally, they wanted a Federal subsidy, but finding they could not get it they cut their bill in half and then asked for a Federal department of education. We who have opposed them have always believed that all they wanted in the long run was an appropriation, and the gentleman from Kentucky, in opening his remarks, called attention to the small appropriation that is made for the Bureau of Education, indicating that it is his desire that there be great sums of Federal moneys expended on education.

The truth of the situation is that the Federal Government is spending about \$60,000,000, if not more, per annum on educational projects and, according to the gentleman from Kentucky, that the States and cities are spending about \$3,000,000,000 on education to-day. My own notion of it is that it is nearer \$2,000,000,000 for 25,000,000 children. I ask the Members of this House whether the States and cities are not affording liberal means of education when they are spending \$2,000,000,000 per annum on 25,000,000 children. In other words, it is costing the cities and States about \$80 per child for education.

The gentleman pointed out the difference between Russia and China and the United States and he called attention to the wonderful progress of the United States with respect to its schools. Then I say to him, let the Federal Government keep its hands off our schools; let our schools progress as they have progressed under local guidance; let not our schools be stagnated by the heavy hand of the Federal Government and let not the educational system of our country be reduced to the basis of the Russian educational system. [Applause.] It is Russia that has a national department of education or a Soviet commissioner of education, and if you read the provisions of the Russian program for education you can almost parallel them with the suggestions made in the various Federal department educational bills which have been before our committee.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. BLACK of New York. I yield.

Mr. COCHRAN of Missouri. Was any evidence presented before the committee which tended to show that there is any State in the United States which does not respond when called upon to appropriate money for education.

Mr. BLACK of New York. No. As a matter of fact it happens that just now the States and cities are engaged in a strong race in the matter of education and that spirit of rivalry should not be stopped by the Federal Government. It is true that there have been many land grants for educational purposes,

but the history is that a great deal of that money of the Federal Government has been diverted to other purposes. The history of Federal connection with education has been one of corruption, and we want no more of it.

The gentleman called attention to the political platforms on this subject, but in the last campaign the Republican platform was very silent on the subject of a department of education. As a matter of fact, the Republican platform did not say a word about a Federal department of education, showing that those who control the Republican Party and the administration had realized, after their guidance of the administration, that a Federal department of education would be a very, very unwise proposition.

The gentleman spoke about the great organizations that support this bill, but we know how they get together; we know that the National Education Association is a bellwether; we know that the National Education Association herds these organizations into line and has them adopt stereotyped resolutions in favor of this bill.

The gentleman called attention to the deficiencies among our teachers. If the Federal Government is not going to standardize education, what is the Federal Government going to do about these deficient teachers? If such a plan were to be adopted, the Government would have to do something in the way of taking their licenses from them; it would have to do something which would stop them from teaching; and it would have to do something which would interfere with the State and city systems, or else it does not mean anything.

Then they say the Federal department of education is going to be a research proposition. The gentleman spoke about reindeer. I say that this country is spending plenty of money on education, and the fact that the reindeer appropriation happens to be carried in the Department of the Interior appropriation bill is no reflection on the public spirit of this country as to the amounts of money spent on children.

This is a specious argument of the type used by some of the educators to get this appropriation. Now, there is no real reason for this. The gentleman spoke about taking care of chickens, hogs, and pigs. What are our children that they are to be taken care of like we take care of chickens, hogs, and pigs? You could take care of chickens and hogs or you could take care of vegetables under the guidance of the Federal Government without doing them any harm, but you can not interfere with the child. The child belongs to the parents. The parents have the duty to educate that child and the further the Federal Government keeps away from the real guidance of the child, at the mother's knee, the better it is for the child.

You can not put children on a parity with hogs and pigs. This is the trouble with some of these research operators. They want to operate on the human soul and the human mind and the human heart as though they were operating on guinea pigs. This is one of the troubles with the people who want this type of legislation. [Applause.]

COTTON FUTURES

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to proceed for five minutes.

Mr. SNELL. Reserving the right to object, I do not want to object, but we have a couple of matters we want to get in this afternoon, and if the gentleman will not ask to extend the time, but will conclude in five minutes, I shall not object.

Mr. STEVENSON. I will conclude in five minutes. You have never found me breaking faith in that respect.

Mr. SNELL. If there are any further requests, I shall have to object.

Mr. STEVENSON. Mr. Speaker, I ask unanimous consent to extend my remarks.

The SPEAKER. Without objection it is so ordered.
There was no objection.

Mr. STEVENSON. Mr. Speaker, I am not going to discuss the State-rights question that we have been hearing about just now. We have always stood for that, but the South Carolina Legislature is standing now with the House of Representatives of the United States and has passed the following resolution:

A concurrent resolution concerning cotton "futures"

Whereas transactions in cotton involving the sale thereof for future delivery as commonly conducted on cotton-futures exchanges, and known as "futures," are affected with a national public interest; and

Whereas such transactions are carried on in large volume by the public generally and by persons engaged in the business of buying and selling cotton in interstate commerce; and

Whereas the prices involved in such transactions are generally quoted and disseminated throughout the United States and in foreign countries as a basis for determining the prices to the producer and the consumer of cotton and to facilitate the movements thereof in interstate commerce; and

Whereas such transactions are utilized by shippers, dealers, manufacturers, and others engaged in handling cotton in interstate commerce as a means of hedging themselves against possible loss through fluctuations in price; and

Whereas the transactions and prices of cotton on such cotton-futures exchanges are susceptible to speculation, manipulation, and control, and sudden or unreasonable fluctuations in the prices thereof frequently occur as a result of such speculation, manipulation, or control, which are detrimental to the producer or the consumer and the persons handling cotton in interstate commerce, and that such fluctuations in price are an obstruction to and a burden upon interstate commerce to cotton and render regulation imperative for the protection of such commerce and the national public interest therein; and

Whereas the House of Representatives of the United States Congress did, on January 21, 1929, by unanimous vote, pass (H. R. 13646) a bill "for the prevention and removal of obstructions and burdens upon interstate commerce in cotton by regulating transactions on cotton-futures exchanges"; and

Whereas said bill is now pending for final determination in the United States Senate: Therefore be it

Resolved by the House of Representatives of the General Assembly of the State of South Carolina, That we respectfully urge our Senators to aid in the passage of said bill.

The concurrent resolution was agreed to and ordered sent to the Senate.

This was unanimously passed, I believe, in the House of Representatives of the State of South Carolina. I am just rising to call attention to the fact that while this House unanimously passed this much-needed legislation, while it has the indorsement of the members of all the legislatures, I venture to say of the Southern States, and while it really has the indorsement of the honest cotton trader all over the country, yet there is a dumb silence in the other body which has to act upon it, and it stays asleep in some committee room, sat upon by some of the great friends of the farmers who have taken care of the cotton people of the United States in the last quarter of a century to such an extent that they are all now broke. [Laughter and applause.]

That bill was drawn after fullest hearings in which the Secretary of Agriculture, Mr. Jardine, said:

I believe that the ends sought to be achieved by the proposed legislation are good and I recommend its enactment as being desirable from the public standpoint.

There were present at the hearing representatives of the following associations, all interested in honest dealings in the cotton trade:

Mr. H. M. Bennett, from the Arkansas Cotton Association; Mr. C. M. Owens, from the Arkansas Cotton Association; Mr. H. G. Safford, chairman of the legislative and futures contracts committee of the American Cotton Shippers' Association, and formerly president of the Texas Cotton Association; Mr. J. S. Billingslea, of Georgia, president of the Atlantic Cotton Association; Mr. E. B. Stearns, president of the New Orleans Cotton Exchange; Mr. K. D. Wells, president of the Southern Cotton Shippers' Associations; Mr. C. W. Wells, of the New Orleans Cotton Exchange; and Mr. D. E. McCuen, past president of the Atlantic Cotton Association.

Mr. Safford made this statement as to the purposes of the proponents of the bill and the work of preparing it—

I was on a committee two and a half years ago which came up to Washington and went to see Secretary Jardine with reference to this same matter, asking him if he could do anything without legislation and, if he could not, to consider carefully what legislation might be introduced which would cure the evils of which we complained and under which we suffered. * * *

Mr. VINSON had introduced this bill in the House, and it contained almost all of the principles which we thought meant improvement, and we took that as a model on which to work. This committee spent a good deal of time over it, and checked the thing, paragraph by paragraph, and made some suggestions for amendments to clarify and to further strengthen the bill, which Mr. VINSON has been kind enough to accept in toto; so that the committee which I represent and the association which I represent is very glad to give its entire indorsement to the bill. Now, the form of bill which may be presented or carried through the Senate or House we have no wish to dictate, but the principles which are contained in the bill, as amended, are those for which we stand and which we think would better the conditions immensely.

Now, to get to the bill. The first part of the bill, constituting the cotton exchanges as public utilities, is copied from the grain futures act, with the elimination, as Mr. VINSON has said, of the taxing features of the Smith-Lever Act which had, in the grain act, been held unconstitutional. This would make it practically certain that the bill would go through the courts without being destroyed.

Mr. KINCHELOE. You started to say about your conversation with the Secretary of Agriculture, and you did not finish that.

Mr. SAFFORD. He said at that time he had no right whatever to interfere with the cotton futures market; he had no legal status in their investigation or in their control.

Mr. KINCHELOE. Did he suggest any remedy?

Mr. SAFFORD. He suggested it would be entirely agreeable to him if such legislation could be introduced and passed as would give him the same regulatory control as he had under the grain futures act.

Mr. STERN, president of the New Orleans Cotton Exchange, discussed the need of legislation and the form it should take, as follows:

Mr. STERN. Mr. Chairman, I will make a very brief statement. I know the time is exceedingly limited. I only want to say that, as president of the New Orleans Cotton Exchange I am here to state that the board of directors of the New Orleans Cotton Exchange have voted to approve the report made by the legislative committee of the American Cotton Shippers' Association, which has been presented here by Mr. Safford, the previous witness.

We believe that the further control and regulation by the Government as outlined in this bill is sound. I, for one, and I think I bespeak the sentiments of my exchange, consider the cotton exchanges are quasi-public utilities, serving a great public interest and for that reason it is sound in theory and practice to have them properly regulated by governmental bodies. We believe the provisions proposed in this bill will accomplish that result.

I may say another act has been proposed in the Senate embodying substantially the same principles as this bill, in the form of an amendment to the Smith-Lever Act, instead of, as I understand it, a new piece of legislation.

Now, as to the choice of the form in which those principles are to be enacted into law, it seems to us improper for us to express any opinion as to the question of form. That is the duty and province of the lawmakers of Congress to choose between the forms; but the subject matter, the principles of both bills, we approve of and indorse and believe they will work to the benefit of the cotton trade.

This refers to the bill of the senior Senator of South Carolina a companion bill to this Vinson bill.

Mr. H. M. Bennett, representing the Arkansas Cotton Trade Association, wrote the committee as follows:

The interests that we represent have given their unqualified indorsement of the Vinson bill and the recommendations of the committee on legislation of the American Cotton Shippers' Association.

We wish to emphasize the conviction of our people that some remedial legislation of this nature should be passed before the adjournment of this session of Congress.

Messrs. J. S. Billingssted and D. E. McCuen, president and past president of the Atlantic Cotton Association, made the following statement relative to the bill.

Mr. Henry G. Safford, of Houston, Tex., is chairman of the future contract committee of the American Cotton Shippers' Association. Mr. Safford has testified before your honorable committee on the general subject matter of the Vinson bill amended, and we wish to state that we indorse without reservation his entire testimony.

Mr. Hubbard, president of the New York Cotton Exchange, made the following statement for the record.

The New York Cotton Exchange realizes that your committee wishes to report a bill which will forever preclude the possibility of the cotton market being manipulated by scheming minds to the prejudice of the public welfare. The exchange without legislative assistance is powerless to prevent such abuses.

Now these are all people who buy and sell spot cotton and use exchanges as a legitimate hedge and want to stop unfair manipulations which ran down the price of cotton in 1927 from over 23 cents to 18 cents because the manipulators early in the season had sold more than the crop of that year at 18 cents and unless they could depress the price by delivery day to about that figure they would be ruined. They manipulated the market to that effect and it cost the farmers \$20 a bale on millions of bales of cotton.

An interview was published in the papers after the Vinson bill went to the Senate that the gentleman quoted expected to rely on the promise of the exchanges to reform themselves. I invite this gentleman's attention to the statement of the president of the New York Exchange, quoted above, that it is impossible to reform without legislative assistance, and to plead with him to exert his well-known influence in cotton legislation to have this bill reported and passed to aid in such reform. He himself admits the need of reform and the president of the exchange says legislation is absolutely essential to bring it about.

RETIREMENT LEGISLATION

Mr. SNELL. Mr. Speaker, by direction of the Committee on Rules I call up the resolution H. Res. 222.

The SPEAKER. The gentleman from New York calls up the resolution, which the Clerk will report.

The Clerk read as follows:

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of S. 1727, an act to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended. That after general debate, which shall be confined to the bill and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the Committee shall arise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, I shall only take the time of the House to make a very brief statement concerning the legislation to be considered under this rule. I appreciate the fact that Members of the House are well acquainted with all of the provisions of this legislation, but on account of the misinformation that has gone out through the country, furnished by various representatives of organizations who receive special benefit under this legislation, I feel that a statement of the absolute facts should be made for the benefit of the country at large at this time. I want to call attention specially to a statement often made, and specially made in northern New York a few weeks ago by the president of one of these organizations, that this is the employees' money and why is Congress unwilling to let us do what we want to with it? If that statement was true, I would agree with him. But such is not the fact, as I will explain to you.

I will say that the statement I make is taken from the report of the Committee on the Civil Service that was written and prepared by the gentleman from New Jersey [Mr. LEHLBACH], chairman of the Committee on the Civil Service, and I think it is probably the best information available at this time relative to the cost of the proposed retirement measure.

The retirement bill we are working under at the present time costs the Federal Government an annual charge of \$19,950,000 a year, and it will cost us that amount for each year for 30 years. The Federal employees are paying into this fund at the present time under the present bill \$28,000,000 per year. If we pass the bill this legislation now proposed the contribution on the part of the Federal Government will be increased to \$30,000,000 a year for the next 30 years, and a contribution of \$10,000,000 annually for all time. During this same 30 years there will be contributed by the Government employees \$28,000,000 a year, or the same amount now being contributed. So under the provisions of the bill proposed at the present time, the Federal Government will pay just a little more than 50 per cent of its entire cost. I think that that information ought to go to the country at large so that they will know exactly what we are doing at the present time, by passing this increased retirement act.

I am not opposed to Government employees nor their desire for retirement, but I feel that I owe an equal obligation to the men who work in the stores, the mills, the factories, and on the farms to the obligations that I owe the employees of the Federal Government. [Applause.] For that reason I feel that it would not do any harm to anyone if the measure was delayed for two or three years more until it was more carefully and fully considered by the House of Representatives, and until we are absolutely sure we can afford to assume this added obligation.

THE EVENING SESSION

Mr. TILSON. Will the gentleman yield to me to make an announcement?

Mr. SNELL. I will.

Mr. TILSON. Mr. Speaker, a number of Members have inquired of me to-day in regard to an evening session for the consideration of the Private Calendar, evidently not having noticed on the calendar this morning that an evening session has been arranged for this evening. I hope the entire membership of the House will take notice and be ready for the session on the Private Calendar, which arrangement was entered into last night.

Mr. SIMMONS. Will the gentleman yield?

Mr. TILSON. Yes.

Mr. SIMMONS. Will the Chair recognize any motion for the consideration of a bill on the calendar before the star.

Mr. TILSON. The call will begin at the star, at the point in the calendar where the last call left off.

Mr. SIMMONS. And the Chair will not recognize any Member asking that a bill be considered on the calendar prior to the star, so that Members opposed to those bills will know that they will not come up?

Mr. TILSON. The call of the calendar will begin at the star, and it is not probable that the entire calendar will be finished within three hours.

RETIREMENT OF EMPLOYEES

Mr. PERKINS. How many employees in the Federal Government are affected by this bill?

Mr. SNELL. Between three hundred and four hundred and fifty thousand. How much time does the gentleman from North Carolina want?

Mr. POU. About 10 minutes.

Mr. SNELL. I yield 10 minutes to the gentleman from North Carolina.

Mr. POU. I yield three minutes to the gentleman from New York [Mr. CELLER].

Mr. CELLER. Mr. Speaker and gentlemen of the House, this bill, reported out of the Committee on Civil Service, I am sure most Members will agree is a very meritorious bill. All it does is to reduce by two years practically the ages where certain civilian employees may retire and in addition raises the maximum to \$1,200 a year.

We have heard something about extending these provisions, but it must be remembered that the employees contribute 3½ of the per cent of the total cost of this retirement annuity, under the retirement system.

Up to this point, ladies and gentlemen, the Government has contributed very little, although the Government may be called upon to pay more later.

Mr. SNELL. Will the gentleman yield?

Mr. CELLER. Yes.

Mr. SNELL. We appropriated \$19,950,000 last year.

Mr. LEHLBACH. Three years ago we appropriated \$9,450,000 and this year we have appropriated \$9,900,000.

Mr. CELLER. Mr. Speaker, I stand corrected on that, but I want to emphasize the fact that the major portion of the expense entailed by this system has been paid by the employees themselves, who contribute out of their salaries 3½ per cent. As the law now stands, it appears to me that a man has to die to win. He drags on a pitiless existence until he is 70 years of age, in certain classes of employment, and then he retires—retires to what? Not to an enviable existence by any means, but to enfeebled, decrepit old age. He retires just in time to die. What does life hold out to a man of 70 after many years of labor? I am almost certain that if the facts could be adduced, the Government would save money by liberalizing this retirement system as it will if we pass this bill, because there are a great many employees in the Government service who are superannuated, and we can get rid of them by this liberal retirement amendment. We can let them out under the present system. They will not retire. Why should they? They asked for extensions. The annuity is a mere pittance. It hardly averages more than \$500, if that. Let us liberalize the age limit and increase this annuity to a maximum of \$1,200. Let us pass the bill.

Mr. POU. Mr. Speaker, I yield seven minutes to the gentleman from Virginia [Mr. WOODRUM].

Mr. WOODRUM. Mr. Speaker and gentlemen of the House, I imagine that there is very little, if any, opposition to this bill. So far as my own individual position is concerned, since coming to the House six years ago, I have been a member of the Civil Service Committee, and along with other gentlemen on that committee have worked in an effort to liberalize and humanize the retirement law. I am in favor of this bill and expect to vote for it, but it is not about the merits of the legislation that I desire to speak to the House to-day. Bringing this bill up to-day is nothing but a gesture. It is very well to make a record of it, that those who read may understand, that the consideration of this retirement bill to-day is just a little sop thrown out in an effort to pacify the feelings of some of the old superannuated employees who are sitting around now waiting for their Government to open up its heart and treat them fairly, justly, and honestly.

What are the facts about it? This bill passed the Senate May 3, 1928. It came to the Committee on Civil Service of the House May 10, 1928, and was unanimously reported out immediately. On May 23, 1928, 20 days after it passed the Senate, a rule was granted for its consideration by the Rules Committee, and although there have been vague, indefinite promises floating around ever since that time, not until to-day, when it is

perfectly safe to bring it up, has it been brought forward, knowing full well, as gentlemen do know, that it will sleep the peaceful sleep that other legislation has enjoyed when it has reposed in the pocket of the Chief Executive, as it has reposed in the pocket of the gentleman from New York [Mr. SNELL] for nearly a year. This bill will never be signed. Everybody here who is familiar with the situation knows that it will not be signed. If there had been the slightest chance in the world of its being signed, it would not have been brought up here to-day. What is the situation? We are now in the shadow of the closing hours of the Congress. The President is against the bill. Has been against it all the time. He has said that he would veto it, "no matter what you did to it or how you changed it." The President must be saved from necessity of vetoing a piece of legislation that so vitally affects the happiness and the very sustenance of employees who have given many, many years of valuable service to this Government. Therefore, the distinguished gentleman from New York [Mr. SNELL], the genial chairman of the Rules Committee, carries the rule in his pocket from May 23, 1928, to this good day, though the Congress has been ready to pass the bill without a dissenting voice, and over the veto of the President, if it had an opportunity so to do. Had the bill been brought out one week ago to-day, a very different situation would have obtained, because had the bill then been passed, the President would have had to have taken affirmative action. He would have been compelled to place his veto on the bill, and the bill would have come back to the House for action, and very speedily his veto would have been overridden; but to-day Members of Congress are being given the opportunity to vote, and that is all it will ever amount to.

This is nothing but a colossal joke. There are thousands of old employees of this Government, men and women, who have given many years of arduous service to the Government. The men and women who really perform the work, as every Member of Congress knows if he has been in close touch with the departmental matters, are not the Cabinet Members, are not the chiefs of the departments. The people who do the manual service, the detailed work, that carries on the affairs of the Government are these men and women behind the desks who draw often very small, inadequate salaries. You have an army of these old men and women, and some in the galleries to-day watching you, who are laboring under the delusion that the gentleman from New York [Mr. SNELL] has opened up his heart, and that the administration has recanted, that the retirement bill is going to become a law. God pity them! They are going to be sadly disillusioned after the 4th of March, for the bill will never be heard of again. Those men and women have given anywhere from 5 to 10 to 20 up to 40 years of the best years of their lives to Government service. They are asking you to liberalize the retirement law. They ask for bread, and you give them a vote on the bill.

Mr. SIMMONS. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. I prefer not to yield. Of course, it is going to cost the Government something to carry on this retirement law. Congress knew it would cost something when the system was inaugurated, but the employees are paying a great portion of the system and the testimony before our committee and before the Senate committee shows that from a purely economic and business standpoint this Government will make great gains by retiring the superannuated employees. We have all of that information. Not only that, but you can find by inspecting the records that every time the statisticians have made estimates of the cost of the retirement system they have overestimated what the cost will be and underestimated what the receipts of the system will be. If you will compare the figures to-day, the amount that is in the retirement fund with the estimates of the actuaries made some years ago, you will find that the fund has greatly exceeded what the actuaries estimated would come in.

Let us examine and compare the estimates with the facts:

Act of May 22, 1920	Balance (estimated in 1919)	Actual balance ¹
July 1, 1921.....	\$4,356,500.00	\$9,672,842.03
July 1, 1922.....	7,828,500.00	18,134,203.91
July 1, 1923.....	10,416,000.00	25,510,288.97
July 1, 1924.....	12,119,000.00	33,586,193.19
July 1, 1925.....	12,937,500.00	44,665,778.56
July 1, 1926, 3½ per cent.....	12,757,500.00	54,629,004.93
July 1, 1927.....	15,307,000.00	68,336,760.95
July 1, 1928.....	14,058,000.00	83,078,430.00

¹ From Report No. 99 by Senator Sterling, July 23, 1919.

² From Reports of Secretary of Interior.

Without contributions from the Government estimated surplus July 1, 1930, at 2½ per cent, \$6,192,500.

Not only that, but the estimates show that in 28 years the Government will be through with making any contributions whatever to this retirement fund, and under the system, by the employees making their contributions, it will be self-sustaining.

Mr. SNELL. Mr. Speaker, will the gentleman yield?

Mr. WOODRUM. Yes.

Mr. SNELL. I understood the gentleman to say that after 28 or 30 years the Government would not have to make any contribution?

Mr. WOODRUM. Yes.

Mr. SNELL. That does not comply with the report written by the gentleman's committee. I take my information from the report furnished by the committee, which says it would be about \$10,000,000 a year.

Mr. WOODRUM. I read to the gentleman, on page 2, next to the concluding paragraph on page 2 of the report:

Under the proposed amendment the additional cost is estimated at \$4,362,000. It is anticipated that after approximately 28 years all that cost to the Government will be completely liquidated.

The SPEAKER. The time of the gentleman from Virginia has expired.

Mr. SNELL. Mr. Speaker, I yield to the gentleman two more minutes.

The SPEAKER. The gentleman from Virginia is recognized for two more minutes.

Mr. SNELL. But in the final conclusion of the report written by the committee it says:

Thereafter the contribution of the Government will approximate \$10,000,000 per annum, and the contribution of the employees will be about \$28,000,000.

That is the concluding paragraph of the report. The gentleman refers to one portion of the bill, and not to the whole.

Mr. WOODRUM. Has the gentleman Report No. 1580?

Mr. SNELL. Yes.

Mr. WOODRUM. That is my understanding of it. The gentleman may be correct.

Mr. Speaker, I ask unanimous consent to revise and extend my remarks in the RECORD.

The SPEAKER. Is there objection to the request of the gentleman from Virginia?

There was no objection.

Mr. WOODRUM. Mr. Speaker, under leave to extend, I insert a table which has been prepared based on the estimate of Dr. Alvan H. Thompson, which I feel will be of interest to the House. Doctor Thompson's figures have proven very conservative to date, as the contributions have been more and the payments of annuities and refunds less than in this table.

Based upon the computations of Dr. Alvan H. Thompson, of the Pension Bureau, in testimony before the Joint Civil Service Committee January 14, 1926, plus the contributions of the Government provided in the last session, the most conservative estimate places the retirement fund in 1941 at \$537,332,944, with interest at more than \$20,000,000 per annum. This with contributions of more than \$30,000,000 from the employees' salaries and nearly \$20,000,000 from Government contributions, would soon build this into a tremendous fund. Doctor Thompson estimates the expenditures in the fiscal year of 1941 at less than \$35,000,000 with an income of more than \$70,000,000. This does not seem necessary. Our own estimates, based on the best figures to date, give us approximately \$620,000,000 in the fund July, 1942, with interest of nearly \$25,000,000 annually, with no additional appropriations by the Government except those now in force.

Operation of civil-service retirement law

RETIREMENT AND DISABILITY FUND

July 1—	Contributions by employees	Government	Interest	Annuity and refunds	Balances
1929	\$25,932,000	\$19,950,000	\$4,042,670	\$17,996,000	\$132,994,670
1930	26,148,000	19,950,000	5,319,786	19,598,250	164,814,206
1931	26,364,000	19,950,000	6,592,568	21,096,750	196,624,624
1932	26,364,000	19,950,000	7,864,984	22,498,500	228,305,108
1933	26,796,000	19,950,000	9,132,104	23,811,000	260,373,312
1934	27,012,000	19,950,000	10,414,892	25,039,500	292,710,704
1935	27,288,000	19,950,000	11,708,428	26,190,750	325,406,382
1936	27,440,000	19,950,000	13,016,255	27,279,000	358,542,637
1937	29,965,000	19,950,000	14,341,705	29,879,200	392,920,142
1938	30,199,000	19,950,000	15,716,805	30,824,000	427,901,947
1939	30,433,000	19,950,000	17,116,077	31,826,400	463,574,624
1940	30,667,000	19,950,000	18,542,984	32,711,200	500,023,408
1941	30,901,000	19,950,000	20,000,936	33,542,400	537,332,944

The following table is extracted from the report of the Hon. Hubert Work, Secretary of the Interior, on the operation of retirement law, beginning with the first annual report of June

30, 1921, down to and including the last annual report of June 30, 1928. The items specified in this table show the amount of contribution of the employees each year with interest, the amount of annuities paid out with refunds, and the balance on hand at the end of each fiscal year:

Total receipts for fiscal year ending June 30, 1921, including contributions with interest	\$12,586,389.37
Total disbursements	2,913,547.34
Balance in fund June 30, 1921	9,672,842.03
Balance in fund July 1, 1921	9,672,842.03
Total receipts for fiscal year ending June 30, 1922, including contributions with interest	14,853,748.99
Total disbursements	6,392,327.11
Balance in fund June 30, 1922	18,134,268.91
Balance in fund July 1, 1922	18,134,268.91
Total receipts for fiscal year ending June 30, 1923, including contributions with interest	15,155,609.28
Total disbursements	7,779,584.22
Balance in fund June 30, 1923	25,510,288.97
Balance in fund July 1, 1923	25,510,288.97
Total receipts for fiscal year ending June 30, 1924, including contributions with interest	16,632,485.93
Total disbursements	8,556,581.71
Balance in fund June 30, 1924	33,586,193.19
Balance in fund July 1, 1924	33,586,193.19
Total receipts for fiscal year ending June 30, 1925, including contributions with interest	20,028,867.69
Total disbursements	8,949,282.32
Balance in fund June 30, 1925	44,665,778.56
Balance in fund July 1, 1925	44,665,778.56
Total receipts for fiscal year ending June 30, 1926, including contributions with interest	20,173,691.86
Total disbursements	10,210,465.49
Balance in fund June 30, 1926	54,629,004.93
Balance in fund July 1, 1926	54,629,004.93
Total receipts for fiscal year ending June 30, 1927, including contributions with interest	27,168,463.84
Total disbursements	13,460,707.82
Balance in fund June 30, 1927	68,336,760.95
Disbursements on account of annuities and refunds for fiscal year ending July 1, 1928	14,761,614.75
Contribution by employees, 3½ per cent of salary	28,500,000.00
Total in fund July 1, 1928	83,078,430.00
Appropriated by Government	19,950,000.00
Total amount in retirement and disability fund July 1, 1928	103,028,430.00

Number died during the past fiscal year, 1,271.

Number of employees on retirement roll July 1, 1928, 15,383.

Number of deaths since the law became effective—more than 7,000.

There are 405,000 employees of the Government service who come within the purview of the retirement law, and they pay into the retirement fund 3½ per cent of their salary, which amounts to more than \$28,000,000 annually.

I also insert a list of a few out of the many private banking and industrial concerns who have adequate retirement systems.

Bankers Trust Co. of New York have voluntary retirement at age 60, after 15 years' service. The maximum annuity is \$5,000. Employee's contribution is 3 per cent of salary.

The First National Bank of New York has a similar system, the employees contributing 5 per cent of their salaries.

Speyer & Co. of New York allow voluntary retirement at age 60 with a service requirement of 25 years. The annuity is 75 per cent of salary for the past 10 years, and the contribution of the employee is 2 per cent and 3 per cent.

The Guaranty Trust Co. has a voluntary retirement age at 65 after 15 years' service; or, no age after 45 years' service. The maximum annuity is \$5,000. The contribution of the employee is from 2 per cent to 35/50 of average pay last three years.

The Prudential Life Ins. Co. allows retirement at age 65 after 25 years' service. The annuity is \$150 a month, and the employee contributes 1 per cent of his average pay for the last 10 years.

Morris & Co. allow voluntary retirement at age 55 after 15 years' service. The annuity is 2½ per cent of final salary, the contribution of employees being 3 per cent of salary received.

The Union Trust Co., New York, has voluntary retirement at age 65 after 20 years' service. The maximum annuity is \$5,000, the employee's contribution being 1 per cent of average salary for five consecutive years of highest pay.

The First National Bank of Chicago allows optional retirement at age 60, after 15 years' service, the employee's contribution being 3 per cent of salary. The annuity is 35/50 of salary.

Fairbanks, Morse & Co. have voluntary retirement at age 60, with 20 years' service requirement. There is a maximum annuity of \$4,000. Employee contributes 3 per cent of salary.

Hibbard, Spencer, Bartlett & Co. allow retirement at age 65 after 15 years' service, with a maximum annuity of \$1,500. The employee contributes 3 per cent of salary.

The American Telegraph & Telephone Co. have voluntary retirement ages of 60 and 55 with 30 and 25 years of service required. The minimum annuity is \$360. There is no contribution by employees.

The Western Electric Co. has a similar system.

The Consolidated Gas Co. of New York allows retirement at age of 50 or over after 25 years' service, and the annuity is from 20 per cent to 60 per cent of salary. There is no contribution by employees.

The Niagara Falls Light & Power Co. has voluntary retirement at age 65, with 10 years' service. The annuity is \$1,000. There is no contribution by the employees.

The Southern California Edison Co. allows retirement at age 60, with 20 years' service. The minimum annuity is \$300. There is no contribution by employees.

Butler Bros. have retirement age of 60 after 20 years' service, with maximum annuity of \$1,000. The employee does not contribute.

The Commonwealth Edison Co. retires at ages 55, 60, and 65, with 30, 15, and 5 years' service requirements, respectively. The maximum annuity is \$5,000. There is no contribution by the employee.

The United Cigar Stores retire at age 60 after 25 years' service. Maximum annuity is \$200 a month. The employee does not contribute.

The Otis Elevator Co. retires at age 60 with 20 years' service, with a maximum annuity of \$125 a month. The American Smelting & Refining Co. has a similar system, with a maximum annuity of \$3,000.

Swift & Co., the Western Union Telegraph Co., Procter & Gamble all retire at age 60, with 25 years, 20 years, and no stipulated service requirement, respectively. Procter & Gamble's maximum annuity is \$1,800. There is no contribution by employee.

The Westinghouse Airbrake Co. have voluntary retirement at age 65, with no stipulated service requirement. The maximum annuity is \$100 a month. The employee does not contribute.

The Equitable Life Insurance Co. retires at age 65, with 10 years' service. The maximum annuity is \$3,600.

The Cleveland Cliffs Iron Co. allow retirement at age 60, with 25 years' service. The annuity is \$1,200. Employees contribute 1 per cent of salary received for the last 10 years.

The Wilson Packing Co. has a retirement age of 55 after 20 years' service. The maximum annuity is \$5,000, and the employees contribute 2 per cent of salary.

The Crane Co. allows voluntary retirement at age 60 after 20 years' service. The maximum annuity is \$125 a month. Employees contribute 2 per cent of salary received for last 5 years.

The Murphy Varnish Co. has voluntary retirement at age 60 after 20 years' service. The maximum annuity is \$2,400, and the employee contributes 2 per cent of average salary for last 10 years.

Mr. SNELL. Mr. Speaker, inasmuch as the gentleman from Virginia referred to the gentleman from New York, I want to say that the gentleman from Virginia, as he said, was speaking to the gallery; the gentleman from New York was speaking his absolute judgment as to what ought to be done at the present time to properly protect the people of the whole country, as well as the employees of the Federal Government.

Mr. Speaker, I move the previous question on the resolution. The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. LEHLBACH. Mr. Speaker, I move that the House resolve into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1727; and pending that request, I would like to ask who, if anybody, desires time in opposition to the bill?

The SPEAKER. The gentleman from New Jersey moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of Senate bill 1727.

Mr. LEHLBACH. I would like to ask if anyone desires a half hour in opposition to the measure?

Mr. BANKHEAD. I do not think there is anybody on this side who is opposing the bill, but I think the gentleman from Virginia [Mr. Woodrum] would like to have some time on this side. There is no opposition, as I understand.

Mr. LEHLBACH. I know of no opposition on this side. While we are to have an hour's debate, I propose to take only a very few minutes, and I have but one request for 10 minutes.

Mr. WOODRUM. If there is nobody opposed to the bill I submit we might have a vote on the bill.

Mr. LEHLBACH. I would like to make a brief statement of the amount of money involved.

The SPEAKER. Does the gentleman make any suggestion as to the time?

Mr. LEHLBACH. It is that the time be equally divided. That is provided, however, by the rule.

The SPEAKER. The gentleman from New Jersey will have control of half the time, and the gentleman from Alabama [Mr. Jeffers] the other half. The question now is on agreeing to the motion of the gentleman from New Jersey that the House resolve itself into the Committee of the Whole House on the state of the Union.

The motion was agreed to.

The SPEAKER. The gentleman from Montana will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill S. 1727, with Mr. LEAVITT in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill S. 1727, which the Clerk will report, by title.

The Clerk read as follows:

A bill (S. 1727) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended.

Mr. LEHLBACH. Mr. Chairman, I ask unanimous consent to dispense with the first reading of the bill.

The CHAIRMAN. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

The CHAIRMAN. The gentleman from New Jersey is recognized for half an hour.

Mr. LEHLBACH. Mr. Chairman, in order to clear up a persisting misunderstanding as to the cost borne by the Government and the share borne by the employees, I beg your indulgence while I repeat what I have said eight or ten times in the last 10 years upon this floor.

The cost of the bill is separable into two items. The first item is what is known as the normal cost. The Government employees who come within the provisions of the retirement act pay 3½ per cent of their salaries to the retirement fund for the maintenance of that fund. When the time arrives when all those who retire or are eligible for retirement or in the years to come will be eligible for retirement, they will have paid their full proportion to the retirement fund. But before that we have employees who are retired immediately without having made any contribution. The following year they pay 3½ per cent of one year's salary, and so on, and they are still retiring, having paid for eight years 3½ per cent of their salary.

That is known as the deficiency cost. The normal cost is where everybody has paid from the beginning of his employment until his retirement or withdrawal. The deficiency cost is where a person has either paid nothing or little or a lesser proportion of the contribution to the retirement fund from the beginning of his employment until the cessation of his employment.

The normal cost under the law as it exists to-day is figured as 3.90 per cent of the pay roll. Of that 3.90 per cent of the pay roll, which is the normal cost of retirement, the employees pay 3.50 per cent. That is the sum paid into the fund for its maintenance, and the Government pays 0.48 per cent of the cost of maintaining the fund. Inasmuch as the contributions belong to the contributor and are returned to him in some form, or to his next of kin if he should die in the service, the cost of the deficiency is borne wholly by the Government. The cost of the deficiency is 1.97 per cent of the pay roll, and that entire 1.97 per cent is borne by the Government, because no employee is taxed to pay for the retirement of another employee who has not paid his full share toward the retirement cost. Now, adding the normal cost and the deficiency cost together, it makes a total maintenance charge of 5.95 per cent of the pay roll, of which the employees pay 3.50 per cent of that pay roll and the Government pays 2.45 per cent of the pay roll, including the deficiency charge. In other words, in taking up this deficiency slack the employees contribute 3.50 per cent of the pay roll and the Government pays 2.45 per cent of the pay roll.

When the bill was enacted into law it was known as a 50-50 bill, assuming that the payments for the maintenance of the fund would be so distributed between the employees and the Government that the contributions would be about alike, 50 per cent of the cost of the fund being contributed by the employees and 50 per cent of the cost of the fund being contributed by the Government. Even with this deficiency, which is not a burden on the employees, but is a burden on the Government, we find that the employees are nevertheless paying 3.50 per cent of the pay roll and that the Government is paying 2.45 per cent—less than half.

Now, after 28 years from now, approximately, have elapsed the deficiency cost will have been wiped out, and if the law remains as it is we find that the Government employees will pay 3.50 per cent of the pay roll and the Government 0.48 of 1 per cent of the pay roll. So, of course, that is not a 50-50 proposition.

This bill increases the annuities from a maximum of \$1,000 to a maximum of \$1,200 and, of course, has relative steps of increases of annuities in the ranges below the maximum. It provides that those who have served continuously in the service for over 30 years are retired optionally 2 years earlier

than they would automatically retire under the terms of the present law.

Mr. MORGAN. Will the gentleman yield?

Mr. LEHLBACH. I yield.

Mr. MORGAN. Are these estimates based upon the proposed increases in the pending bill?

Mr. LEHLBACH. No. The estimates I have stated refer to the law as it is now. Now, I have explained that this bill seeks to increase the maximum to \$1,200 with proportionate increases along the line, and a 2-year earlier optional retirement for those who have served 30 years or more in the Government service. This has been figured by the actuaries. The figures given to us are the only official figures we have and we are bound by them, but I want to state that in almost every instance they have overestimated the cost of the maintenance of this retirement system, because it is the custom of insurance-company actuaries to load their premiums to an extent that there is no danger of even approaching the line of excess liabilities over assets. This increase will cost a percentage of 1.58 per cent over the present cost. Therefore the Government will pay about 2 per cent as against the employees' 3½ per cent when the normal stage is reached, and the Government will have to contribute 1.58 per cent more per year than the 2.45 per cent it is now contributing.

In money the deficiency cost is about \$4,362,000 additional over the existing cost and the normal cost is \$5,535,000 over the present normal cost, so that for 28 years or so the Government will pay a little less than \$10,000,000 additional into the fund, and after it reaches the normal stage it will be paying \$5,535,000 more into the fund, that is, in addition to the \$19,000,000 it is contributing now.

The fact that there is a cash balance in the fund does not mean anything at all, because the liabilities of the Government are very slight when people first begin to retire, but as the decades go on they increase by geometrical progression.

If the fund were once wiped out then we would have to contribute everything over and above the 3½ per cent of the Government employees, but making these annual appropriations just sufficient to keep the fund balanced, makes no heavy load on the Treasury and in view of the intention, when the system was originally installed, and the fact that the Government is paying a much less sum than was anticipated, I feel perfectly justified in recommending that this bill do pass.

I reserve the balance of my time, Mr. Chairman.

Mr. SIMMONS. Will the gentleman yield?

Mr. LEHLBACH. Yes.

Mr. SIMMONS. I have wondered if any study has been made comparing the retirement benefits now accorded to Federal employees with retirement benefits in established businesses, say, in the city of Washington. As I understand it, the business men of Washington have asked for this bill and the newspapers have abused Congress for not passing it. What retirement benefits do they give their employees?

Mr. LEHLBACH. Such retirement systems as I know existing in Washington, such as the system the Evening Star maintains, are so much more liberal than there is no comparison; and I want to say that I have not seen a Government retirement system in Great Britain, Germany, Italy, France, or any other country that is not much more liberal than the retirement system we have here, and there is not a municipality having a retirement system or a State having a retirement system that is not more liberal than our retirement system.

Mr. SIMMONS. Outside of the Evening Star retirement system, what businesses in Washington are retiring their employees and giving them the benefits that the Government now gives its employees?

Mr. LEHLBACH. I do not know, but I do not know of a railroad in the country without a liberal retirement system, and we have railroad employees here; I do not know of a first-class insurance company; I do not know of a large employer of labor in my section of the country that does not have a retirement system.

Mr. SIMMONS. How do they compare? Has there been a study made as to the comparative bases between the two?

Mr. LEHLBACH. There has been, but the facts are not at my fingers' ends right now.

Mr. SIMMONS. The gentleman has not those figures available for us now?

Mr. LEHLBACH. But so far as any Government retirement system is concerned, this is the most conservative I have found either in the lesser subdivisions of this country or in any foreign country the figures of which we have had access to.

I now yield 10 minutes to the gentleman from Massachusetts [Mr. DALLINGER].

Mr. DALLINGER. Mr. Chairman and gentlemen, I do not propose to allow the remarks of the gentleman from New York, the chairman of the Committee on Rules, to pass unanswered. I believe he made the statement that nobody had answered him on the merits of the bill.

The chairman of our committee has already emphasized the fact that a 50-50 proposition for the retirement of superannuated employees is the most conservative, or to put it the other way, the most illiberal of all the retirement systems in the country. I have been on this committee for a good many years and I was here when the retirement legislation was originally passed, and the fact is that investigation demonstrated that a great many of the largest corporations in this country retire their superannuated employees without any contribution from their wages. Others require a contribution of only one-fourth of the total cost of the system.

Now, if the Members of the House will examine the debates when this retirement legislation was first enacted they will find that it was held out to the country as a 50-50 proposition. I remember well the debate in the Senate when the Senator from Utah, Mr. Smoot, said he believed the result would be that the Government would pay five-eighths of the total cost. Senator Sterling, who was in charge of the bill, contended that it would only be a 50-50 proposition. The Government would pay one-half and the employees would pay one-half.

I can also remember hearing the distinguished chairman of the Committee on Rules, the gentleman from New York—I was sitting in the front seat when he brought in the rule for the original retirement legislation—state that it was a 50-50 proposition.

Now, what happened? If the Government had carried out the 50-50 idea, Congress would have appropriated the first year from the Public Treasury an amount equal to the contribution of the employees. The employees contributed, in round numbers, from \$12,500,000 to \$28,500,000 annually, the Government contributed nothing, and that went along for eight years. This fact ought to be emphasized, because if the Government had appropriated an amount equal to the amount contributed by the employees for the first period of eight years and that amount had been invested, as the rest of the fund is invested, in interest-bearing securities, we would have a fund to-day of between \$300,000,000 and \$400,000,000.

Now, these estimates of cost by the actuaries are overestimates, and this is proved by the actual experience with respect to this fund. I called attention to this fact in a speech which I made the other day on the floor of this House. These same actuaries made the prediction when this bill was passed that if the Government made no contribution at the end of eight years there would not be any money in the fund at all. What are the facts? At the end of the period, without any contribution from the Government, there was \$83,000,000 in the fund, and this in spite of the fact that that fund, contributed entirely by the employees, took care of the biggest peak of retirement you will ever have, because when the act went into effect from 6,000 to 7,000 old employees walked out immediately, resulting incidentally in an annual saving to the Government Treasury of over \$800,000.

In other words, the actuaries were wrong—they were away off in their estimate; but the fact remains, as the chairman of our committee has just emphasized, that even with the enactment of this bill the civil-service retirement system is far from being a 50-50 proposition. The Government will never—even if the bill is enacted and even if the actuaries are entirely correct—the Government will never pay more than half of the cost of this retirement system. And if, as experience shows, the actuaries are wrong, the Government will never pay anywhere near the one-half they agreed to pay when the legislation was enacted.

Now, somebody may ask, why were the actuaries wrong? Well, in addition to the fact that they always overestimate, in order to be on the safe side, the fact is they have not sufficiently taken into consideration the immense turnover in the Government service, amounting in some years to almost 10 per cent of the approximately 400,000 employees. In other words, in some years 40,000 Government employees leave the service for one reason or another. They will never be a charge on the fund, although they are refunded the money that they have paid in, with interest.

Again, the actuaries assume that each man and woman when they come to the retirement age is going to retire. But every Member of the House knows that he is being continually importuned, by letter or otherwise, by persons in the Government service who have reached the retirement age and who desire to obtain an extension of two years, and then frequently of two years more, so that if they are still able to perform their duties

they may be allowed to continue to work. These extensions are constantly being granted, and instead of becoming charges on the fund a very large number of employees, when they reach the retirement age, still continue to contribute to the fund.

And, finally, the death rate of the Government employees, when they finally do retire, is very much greater than the ordinary normal death rate in the country at large.

As a result of these four reasons, the figures given by the actuaries have been wrong.

The chief point, however, which I want to emphasize is that the actual experience of this very fund shows they were entirely wrong. They predicted in 1920 that in 1921 there would be only \$4,356,500 in the fund if the Government contributed nothing, whereas there was actually \$9,672,842.03. At the end of seven years these same actuaries predicted that there would be only \$15,307,000 in the fund when there was actually \$68,336,760.95. And bear in mind that if the Government had kept faith and contributed its share the fund would be two or three times greater.

Mr. SPROUL of Kansas. Will the gentleman yield?

Mr. DALLINGER. I yield.

Mr. SPROUL of Kansas. When did the Government agree to contribute 50 per cent, and who was its representative when it made the agreement?

Mr. DALLINGER. The men who were sponsors for the legislation on the floor of the House and the Senate.

Mr. SPROUL of Kansas. Does not the gentleman know that such statements, made as they were made, do not even bind the Members to-day or anybody else?

Mr. DALLINGER. I will say to the gentleman from Kansas that nothing binds the Government of the United States of America, as was shown in the case of the French spoliation claims, when the United States received from France millions of dollars to take care of the owners of vessels destroyed during the Napoleonic wars; that sum was turned into the Treasury, and although the Court of Claims has decided that two or three millions of dollars belong to the owners, or their descendants, Congress has never passed an appropriation to pay these just claims. Of course there is nothing to compel this great Nation to carry out its promises. When the retirement legislation was being prepared it was understood and held out to the country that it was a 50-50 proposition, and it was so understood when the legislation was enacted and signed by the President.

Now, this bill increases the annual retirement annuity from \$700 to \$800 a year. If the Government had contributed its part from the beginning and that amount had accumulated for the eight years from 1920 to 1928, the enactment of this bill would not require any additional appropriation over and above what is now being appropriated from the Government Treasury. [Applause.]

The CHAIRMAN. The time of the gentleman from Massachusetts has expired.

Mr. LEHLBACH. Mr. Chairman, if there is no further time to be used on the other side, I ask for the reading of the bill.

The Clerk read as follows:

SEC. 4. The annuity of an employee retired under the provisions of this act shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed \$1,600 per annum, received by such employee during the five years of allowable service next preceding the date of retirement, by the number of years of service, not exceeding 30 years, and dividing the product by 40. In no case, however, shall the annuity exceed \$1,200 per annum. For the purposes of this act, all periods of service shall be computed in accordance with the provisions of section 5 of this act, and the annuity shall be fixed at the nearest multiple of 12.

The term "basic salary, pay, or compensation," whenever used in this act, shall be so construed as to exclude from the operation of this act all bonuses, allowances, overtime pay, or salary, pay, or compensation given in addition to the base pay of the position as fixed by law or regulation.

Mr. SMITH. Mr. Chairman, I offer the following amendment, which I send to the desk.

The Clerk read as follows:

Amendment offered by Mr. SMITH: Page 2, line 21, strike out the following in lines 21 and 22: "The five years of allowable service next preceding the date of retirement," and insert in lieu thereof the following: "Any five consecutive years of allowable service at the option of the employee."

Mr. SMITH. The reasons for this amendment are as follows:

First. The amendment of the law would increase the annuity of many a little, of a few some, and of a very few a great deal, without lessening the annuity of anyone.

Second. It would increase the efficiency of the civil service in two ways: (a) By encouraging every employee, especially those in the lower grades, to strive always to do his or her best in order to advance, and thus reach the high five consecutive years of service before becoming less efficient, on account of age, when reductions would occur; and (b) by allowing the chiefs of bureaus to reduce inefficient employees, without reducing their annuities, when they come to retire; otherwise no chief will likely reduce an old and faithful employee, however inefficient on account of age, if at the same time he reduces his annuity for the rest of his life.

Third. There are employees whose salaries have been reduced during the last few years before retirement on account of inefficiency, due to old age, or sickness, or accident, or dislike of chief or other cause, who otherwise would have received the full amount under the present law. Should a person have his pension reduced the remainder of his life because of a reduction in salary, due to accident or other causes which made it necessary to reduce his salary? This often occurs under the present law.

Fourth. It is true of clerical and other simple work that after the age of 60 or 65 a clerk is usually less efficient, and where distinctly inefficient should be reduced, so that a younger person may be promoted to his place; but this is not liable to be done, as it at the same time reduces the annuity under the present law.

Fifth. Making the annuity depend on the average of any five consecutive years of service does full justice and injures no one, helps many, and makes the service much more efficient.

If a clerk's salary is \$1,600 and he renders inefficient service on account of age or illness, the Government loses full service annually until he retires under the present law, for he may not be reduced, as it reduces his retired compensation the rest of his life. But if the law is amended as proposed he could be reduced and a younger and more efficient clerk be promoted to the \$1,600 place, and the Government would be the gainer and the employee's retired pay not be affected. In every case of reduction in salary on account of old age or inefficiency under the proposed amendment the Government will save much, increase efficiency greatly, and do no injustice to anyone.

The Civil Service Commission, in the following letter addressed to the chairman of the committee, recommends the adoption of the amendment, which was embodied in H. R. 15679.

UNITED STATES CIVIL SERVICE COMMISSION,

Washington, D. C., January 3, 1929.

Hon. FREDERICK R. LEHLBACH, M. C.,

Chairman Committee on Civil Service,

House of Representatives.

MY DEAR MR. LEHLBACH: The commission notes that H. R. 15679, introduced by Mr. SMITH, proposes to amend the retirement act in section 4 by providing that the annuity shall be computed by multiplying the average annual basic salary, pay, or compensation, not to exceed \$1,500 per annum, received by such employees during any five consecutive years of allowable service, by the number of years of service, not to exceed 30, and dividing the product by 45.

The effect of this amendment, if enacted into law, would, of course, be confined to a limited number of cases so far as increasing the amount of annuity is concerned. Undoubtedly there are some annuitants who, during their later period of service, were reduced in salary to such an extent that under the present method provided for computing annuities they receive an amount considerably less than the maximum. Such reductions in salary were no doubt justified by the decreased usefulness of these employees, who had grown old in the service, but the decreased annuities resulting therefrom are probably not so easily justified. The proposed amendment would permit an adjustment in these cases.

It is believed that the provisions of H. R. 15679 would have a beneficial effect not only on the individual annuitants, but would also tend toward more efficient administration. With few exceptions the heads of the departments and offices will not willingly decrease the salary of employees nearing retirement age, knowing that such decrease will lower the annuity which they would otherwise receive, although such reduction in salary and position might be demanded by the best interests of the service. If the salary in these cases could be reduced to conform with their worth to the service, but not lower the annuity, there would be less reluctance in so doing.

The commission does not have at hand any figures which would show the probable cost to the retirement system of this proposed change in method of computing annuities, but it is not believed any great burden would be imposed on the system thereby. The commission recommends favorable consideration of the bill.

By direction of the commission.

Very respectfully,

JOHN T. DOYLE, Secretary.

Mr. LEHLBACH. Mr. Chairman, personally I have no objection to the amendment. I think it is a good one and I believe it will result in a saving to the Treasury in the long run.

The CHAIRMAN. The question is on agreeing to the amendment offered by the gentleman from Idaho.

The amendment was agreed to.

The Clerk read as follows:

Committee amendment: Page 3, line 8, insert a new section, as follows:

"Sec. 3. In the case of those who before the effective date of this act shall have been retired on annuity under the provisions of the act of May 22, 1920, or said act as amended, or as extended by Executive orders, the annuity shall be computed, adjusted, and paid under the provisions of this act, but this act shall not be so construed as to reduce the annuity of any person retired before its effective date, nor shall any increase in annuity commence before such effective date."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The Clerk read as follows:

Sec. 3. This act shall become effective on July 1, 1928.

With the following committee amendment:

Page 3, line 18, strike out the figure "3" and insert "4."

The CHAIRMAN. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The CHAIRMAN. Under the rule the committee will now rise and report the bill back to the House.

The committee accordingly rose; and the Speaker having resumed the chair, Mr. LEAVITT, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (S. 1727) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, and had directed him to report the same back to the House with sundry amendments, with the recommendation that the amendments be agreed to and that the bill as amended do pass.

The SPEAKER. Is a separate vote demanded on any amendment? If not, the Chair will put them en gros.

The question is on agreeing to the amendments.

The amendments were agreed to.

The bill as amended was ordered to be read a third time, and was read the third time.

The SPEAKER. The question is, Shall the bill pass?

The question was taken; and on a division (demanded by Mr. WOODRUM) there were—ayes, 219; noes, 0.

Mr. WOODRUM. Mr. Speaker, I demand the yeas and nays.

The SPEAKER. The gentleman from Virginia demands the yeas and nays. Those who favor taking the vote by the yeas and nays will rise and stand until counted. [After counting.] Thirty Members have arisen, not a sufficient number.

So the bill was passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

Mrs. NORTON of New Jersey. Mr. Speaker, I am glad to see that we are not going to adjourn without having voted on this urgent bill. I understand this bill slightly increases the annuities paid retired employees and permits optional retirement after 30 years' service.

I know the Members of this House are in favor of increasing the present retirement pittance; for giving old and deserving men and women just a little more money to aid them in their remaining days of life.

Federal aid to the retirement fund to this day has been wholly unnecessary and it may come to pass that the United States Treasury may never pay a dollar of the cost of retiring Federal Government employees. Even if these liabilities do become actualities in years to come, they will probably be far less than estimated. However, the United States Government should participate in the retirement of its own employees. Great industrial organizations are doing just that and conferring other benefits upon their employees.

It must be remembered that civil-service employees, thousands of them poorly paid, and the leaders of Congress are inclined to the belief that they will continue to be poorly paid, are paying the annuities to their aged comrades out of their own pockets—out of deductions from their pay due to the passage of the retirement bill.

About 405,000 Government employees are paying into the retirement fund more than \$28,000,000 annually. Disbursements for annuities and refunds for the fiscal year amounted to about

\$14,761,614. These figures prove that no Federal contributions are needed, as yet.

I am informed that the total amount in the retirement fund June 30, 1928, was \$103,028,430; and the growth of this fund is amazing.

Many of these retired employees have passed on, with little reward from their Government. If we had not passed this legislation to-day, I feel we would have done one of the greatest injustices in history. Let us give these needy and loyal employees that which is rightly due them. [Applause.]

Mr. LEHLBACH. Mr. Speaker, through inadvertence I omitted to offer an amendment to the bill, changing the date when it shall go into effect. The bill was passed by the Senate some time ago, and under the language in the bill it is effective as of date of July 1, 1928. It was my intention to amend that by making it July 1, 1929. I ask unanimous consent to vacate the proceedings involving the passage of the bill, and that the Clerk be authorized to change the date 1928 to 1929.

The SPEAKER. The gentleman from New Jersey asks unanimous consent to vacate the proceedings involving the passage of the bill referred to, to the extent that the figures "1928" may be changed "1929" in section 4, line 19, page 3 of the bill. Is there objection?

There was no objection.

The SPEAKER. The question now is on the third reading of the Senate bill.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

AMENDING SECTION 5A OF THE NATIONAL DEFENSE ACT

Mr. RANSLEY. Mr. Speaker, I call up House Resolution 334, which I send to the desk and ask to have read.

The Clerk read, as follows:

House Resolution 334

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of H. R. 450, a bill to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes. That after general debate, which shall be confined to the bill and shall continue not to exceed two hours, to be equally divided and controlled by those favoring and opposing the bill, the bill shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the bill for amendment the committee shall rise and report the bill to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the bill and the amendments thereto for final passage without intervening motion except one motion to recommit.

Mr. RANSLEY. Mr. Speaker and Members of the House. This resolution, if passed, brings before the House for consideration H. R. 450, a bill to amend section 5a of the national defense act.

The bill provides that the Secretary of War is authorized to place educational orders for munitions of war of special or technical design with commercial concerns so as to familiarize the manufacturing establishments with the manufacture of such munitions.

It is plain to everyone that the object is quantity production in time of emergency. This, my friends, spells preparedness in capital letters.

We have no large private munition factories as they have in foreign countries; our arsenals can only produce 10 per cent of what we would need in war.

By placing educational orders with manufacturers, the manufacturers will familiarize themselves with what they are expected to produce and be in a position to enlarge their plants in time of war.

If we are forced into war, we should not only defend ourselves but must be in a position to do so. Men can be mobilized faster than munitions can be produced.

As an example of what is needed in war, the English alone, at the Battle of the Somme, used 4,000,000 shells. Compare that with the fact that the northern forces during the entire war of the States used only 5,000,000 shells. You can see the necessity of quantity production and the absolute necessity of the manufacturer knowing what he is expected to produce in time of war.

Surely experience gained by educational orders means insurance or preparedness.

I ask for the passage of the resolution.

Mr. BANKHEAD. Mr. Speaker, will the gentleman yield me a little time?

Mr. RANSLEY. I yield the gentleman 10 minutes.

Mr. BANKHEAD. Mr. Speaker, I shall have very little to say on this rule. I have been unable from my study of the provisions of this legislation to give the bill my support. I really do not see any necessity of an emergency nature that would justify this departure in so-called preparation for war. I voted against the rule in the Committee on Rules. I am against the bill, although, of course, I realize the rule will probably be adopted. I understand some gentlemen on the minority side, the gentleman from Texas [Mr. GARRETT] and the gentleman from Mississippi [Mr. COLLINS] and others, desire to make arguments against the bill in Committee of the Whole. I content myself with expressing my opposition to the rule.

Mr. LINTHICUM. Mr. Speaker, I make the point of no quorum.

The SPEAKER. The gentleman from Maryland makes the point of order that there is no quorum present. Evidently there is no quorum present.

Mr. SNELL. Mr. Speaker, I move a call of the House.

The SPEAKER. The gentleman from New York moves a call of the House.

A call of the House was ordered.

The Clerk called the roll, and the following Members failed to answer to their names:

Anthony	Deal	Hull, Tenn.	Reed, Ark.
Auf der Heide	Dempsey	James	Rogers
Beck, Pa.	DeRouen	Johnson, Okla.	Sears, Fla.
Beck, Wis.	Doutrich	Kindred	Sirovich
Beers	Doyle	Kunz	Spearing
Blanton	Estep	Lanham	Stedman
Bowles	Fletcher	Lozier	Strother
Boylan	Fulbright	McClintic	Sullivan
Brand, Ga.	Gambrell	McSwain	Taylor, Colo.
Britten	Greenwood	Maas	Tillman
Burtness	Griest	Merritt	Timberlake
Bushong	Hadley	Michaelson	Treadway
Butler	Hall, N. Dak.	Mooney	Watson
Carew	Hammer	Moore, N. J.	Weaver
Carley	Harrison	O'Connor, N.Y.	White, Kans.
Casey	Haugen	Oliver, N. Y.	Wilson, Miss.
Connolly, Pa.	Hawley	Palmer	Wolfenden
Crisp	Hoch	Patterson	Wurzbach
Crowther	Hope	Porter	
Curry	Houston	Quayle	
Davey	Hudspeth	Ramseyer	

The SPEAKER. Three hundred and forty-three Members are present—a quorum.

Mr. SNELL. Mr. Speaker, I move to dispense with further proceedings under the call.

The SPEAKER. The gentleman from New York moves to dispense with further proceedings under the call. The question is on agreeing to that motion.

The motion was agreed to.

Mr. RANSLEY. Mr. Speaker, I move the previous question on the resolution.

The previous question was ordered.

The SPEAKER. The question is on agreeing to the resolution.

The resolution was agreed to.

Mr. MORIN. Mr. Speaker, I call up the bill H. R. 450, and move that the House resolve itself into Committee of the Whole House on the state of the Union for its consideration.

The SPEAKER. The gentleman from Pennsylvania moves that the House resolve itself into Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 450.

Mr. MORIN. And pending that, I ask unanimous consent that the time be equally divided, one half to be controlled by myself and the other half to be controlled by the minority member of the committee, the gentleman from Texas [Mr. GARRETT].

The SPEAKER. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania.

The motion was agreed to.

The SPEAKER. The gentleman from Pennsylvania, Mr. KELLY will please take the chair.

Accordingly the House resolved itself into the Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 450, with Mr. KELLY in the chair.

The CHAIRMAN. The House is in Committee of the Whole House on the state of the Union for the consideration of the bill H. R. 450, which the Clerk will report by title.

The Clerk read as follows:

A bill (H. R. 450) to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes.

The CHAIRMAN. The gentleman from Pennsylvania [Mr. MORIN] is recognized for one hour.

Mr. MORIN. Mr. Chairman, I yield myself 10 minutes.

Mr. Chairman and members of the committee, this bill, H. R. 450, which gives a sharply defined and adequately safeguarded discretion to the Secretary of War, to place educational orders for munitions of special or technical design with responsible commercial concerns, should have favorable consideration by the House for the following important reasons:

(1) This bill is a logical and necessary expansion of the Government's present policy of planning in peace time for the mobilization of the country's industrial resources in event of another war.

As a result of our bitter experiences in the past war, Congress saw the wisdom of providing in the national defense act of 1920 for a program of industrial preparedness. The Assistant Secretary of War is made responsible for this industrial planning work, which to date has all been done on paper, necessary and good as far as it goes. This bill carries this planning work one logical step further by enabling the War Department to have the factories on this industrial preparedness program manufacture every once in a while some of the munitions which they have agreed to manufacture in time of war.

(2) By enabling our commercial factories to become familiar with munitions production, the testimony of practical manufacturers shows that we can save many months of invaluable time if and when the Government is compelled in event of war to call on our commercial factories to convert themselves to munitions production.

This time is saved for two reasons:

(a) Educational orders will make it possible to have available in time for each plant which will be called upon to manufacture specialized munitions at least one complete set of the special dies, jigs, fixtures, and gauges which are needed to enable the plant in question to convert itself to war production. This one set of special tools can in time of emergency be used as a pattern for the rapid production of additional sets, and hence save the plant in question many months' time in designing and adapting these tools to its factory requirements.

(b) These educational orders will also make it possible to have available in each of these plants a small nucleus of men, one or more foremen, and some artisans who are familiar with the art of manufacturing the particular munitions in question by actually having made them. These men in times of emergency can serve as a nucleus for the rapid training of additional workers and thus save valuable time.

(3) This saving of time will result in an economical reduction in the total amount of reserves of munitions which must be maintained in peace time to enable an army to get into action while our factories are getting into war production.

(4) It must be borne in mind in considering the need for this legislation that we have no large privately owned munitions industry in this country. Hence, in war time it is absolutely necessary for us to rely on commercial plants which must convert themselves to munitions production; for example, we must depend upon a concern which in peace time manufactures calculating machines to manufacture fuzes for us in war time. It must be borne in mind also that our Government arsenals and factories, when going at full speed, can only manufacture from 1 to 10 per cent of the munitions needed in event of a major war.

Mr. ALLEN. Mr. Chairman, will the gentleman yield there for a question?

Mr. MORIN. Yes.

Mr. ALLEN. What per cent do you advocate that the arsenals should use?

Mr. MORIN. Not over 10 per cent of the need during war can be produced at Government arsenals.

Mr. ALLEN. Where do you get that information?

Mr. MORIN. From the Ordnance Department, the officer in charge of the work in the arsenals.

The objections to this bill are—

(1) That it will interfere with the operation of our Government arsenals and Government-owned factories.

The answer is that it will not. There will be maintained in these institutions at all times a trained force of workmen capable of rapid expansion to work these arsenals at their capacity. Unless there is sufficient money appropriated for the purchase of munitions to enable the War Department to keep the arsenals in operation, and in addition place educational orders, there will be no educational orders placed. These arsenals will serve as heretofore to keep the art of manufacture alive, to improve that art, and as a proper check on commercial orders as to the cost of manufacture.

(2) That it is inadvisable to relax the usual provision of awarding contracts to the lowest responsible bidder.

The answer is that it is necessary to do this if the Secretary of War is to be able to train and educate responsible and

competent industrial plants in peace time for their allotted work in the industrial mobilization of the Nation in an emergency. Furthermore, your committee gave this objection the consideration it deserves and feels that it has amply safeguarded the discretion the bill will give the Secretary of War.

Mr. ALLEN. Mr. Chairman, will the gentleman yield again?

Mr. MORIN. Yes.

Mr. ALLEN. We all know that the arsenals at the present time are down away below the ratio of 1913 or 1914. They are crying for work, and the policy has been to ignore the great arsenal plants that we have in our country. In my district there is an arsenal that contains over \$400,000,000 of stores, with a mere handful of men taking care of them. This would only make it evident that more arsenals are going out of existence.

Mr. MORIN. No; it will not affect the arsenals in any way. They will always be maintained with trained workmen to supply the bulk of munitions during peace.

Another objection is—

(3) That educational orders will result in building up a private munitions industry in this country.

Nothing could be further from the facts. The testimony of responsible manufacturers shows beyond any doubt that these educational orders are not and can not be a source of profitable commercial business, because such orders are bound to be a disturbance as well as a source of great inconvenience to a plant engaged in commercial production.

The CHAIRMAN. The time of the gentleman from Pennsylvania has expired.

Mr. MORIN. I yield to myself one minute more.

Our responsible manufacturers will accept such orders only from a willingness to cooperate in an effective way with the War Department in its industrial preparedness program. Furthermore, your committee has taken the additional precaution of providing that no firm can be given such an order except once in every three years, and that the maximum amount the War Department may spend on educational orders shall not be more than \$1,000,000 a year from available appropriations during the next five years.

Mr. LINTHICUM. Mr. Chairman, will the gentleman yield there?

Mr. MORIN. Yes.

Mr. LINTHICUM. Has this the approval of the War Department?

Mr. MORIN. It has the approval of the War Department. It does not require any additional appropriation.

Mr. LINTHICUM. How has the appropriation been made for this purpose heretofore?

Mr. MORIN. There is provision in the War Department appropriation bill each year for the making of munitions, and they will use part of the funds in that bill in the allocation of these orders. It does not require any other appropriation.

Mr. HUDSON. Mr. Chairman, will the gentleman yield there?

Mr. MORIN. Yes.

Mr. HUDSON. This bill practically destroys competitive bidding for this work, does it not?

Mr. MORIN. It does not, for the reason that these are just for noncommercial articles and not commercial articles. Of course, it is necessary to do that in order that the Assistant Secretary of War, who has charge of this work, can allocate these contracts in the plants that come within the scheme of industrial preparedness.

Mr. HUDSON. What amount has been allocated for this work?

Mr. MORIN. No money at all. They have just gotten the plans ready, but have not functioned as yet.

The CHAIRMAN. The time of the gentleman from Pennsylvania has again expired.

Mr. MORIN. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Texas [Mr. GARRETT] is recognized for one hour.

Mr. GARRETT of Texas. Mr. Chairman, I yield myself 10 minutes.

The CHAIRMAN. The gentleman from Texas is recognized for 10 minutes.

Mr. GARRETT of Texas. Mr. Chairman and Members of the House, it is not often that there comes a serious disagreement in the Committee on Military Affairs concerning legislation affecting the national defense. I believe it can be truthfully said of the Committee on Military Affairs that there have been fewer minority reports coming from that committee concerning legislation than perhaps any other committee in the House. I think it is unfortunate that we are called upon in the closing days of a busy Congress to legislate on propositions

of such vast importance as the one that is included in this bill. I do not agree with the chairman of the Committee on Military Affairs in the conclusions he reaches concerning the scope or the effect of this proposed legislation. It is a radical departure on the part of the Government of the United States from the position that it has held and maintained through all the years of the past relative to the manufacture of munitions of war. It has been the policy of our Government in the past concerning the manufacture of munitions of war that they shall not be turned over to special or private interests, but that the Government itself will manufacture them in its own arsenals, and only in times of emergency do we usually depart from that principle but never in peace times.

Now, the real purpose of this legislation, as it was originally introduced, is found in the bill in its original form, which is an amendment of the national defense act, providing, among other things, that the Secretary of War—

shall cause to be manufactured or produced at the Government arsenals or Government-owned factories of the United States all such supplies or articles needed by the War Department as said arsenals or Government-owned factories are capable of manufacturing or producing upon an economical basis.

Now, we propose to amend that section by adding the following language:

That the Secretary of War may authorize the placing of educational orders for equipment, munitions, and accessories needed in the military service with commercial concerns to the degree that is considered by him as being necessary to familiarize commercial factories with munitions manufacture and to advance the industrial war plans of the War Department, and in placing these educational orders the competitive bids which in his opinion best secure these results may be accepted; and he shall make statement of his action under this provision in his annual report.

That was the original bill prepared in the War Department. The committee has hedged it about by a number of amendments seeking to make it a little more secure and to protect the Government more than it would have been protected in the first draft. But the purpose of this legislation is to empower the Secretary of War in his discretion, in times of peace, to let contracts under a competitive system or not, if he sees fit, for the education of manufacturers in the manufacture of munitions of war and everything connected with it. That is the purpose of this bill. Not only that, but the distinguished gentleman says it will not cost any money, but it provides that \$1,000,000 shall be taken from appropriations made for the War Department for other purposes and expend that amount within each five years to start with. Who is it in this House who does not know that by beginning with \$1,000,000 upon a great program of this kind that it will not end in hundreds of millions? Not only that, but the gentleman says the arsenals are in no danger. I say to the gentleman, and I here and now predict—in order that the younger Members of this House may remember—that if this legislation is passed it will be an entering wedge for the private manufacturers of munitions of war in the United States and the ultimate abandonment of the arsenals of the United States.

As the legislation is written the Government pays all the bills.

A manufacturer may not make a profit out of this experiment but he loses nothing. What does he gain? Oh, my friends, I would have you remember that if the War Department goes out on this educational program to let contracts to certain industries for the manufacture of munitions of war, and an emergency does come, who is it here that does not know that only those industries that have been educated will be the ones to get the great war contracts for the manufacture of munitions of war? Then will come the harvest of profit gathering.

Mr. JOHNSON of Texas. Then it will permit favoritism in its worst degree, will it not?

Mr. GARRETT of Texas. It will not only be favoritism in its worst degree but it will be a favoritism that the Government itself has built up against its own institutions. The founders of our Government, my friends, never intended that the national defense of this country or the manufacture of munitions of war should ever depend upon the activity or good will of private industry. It has always been the policy of our country and it is traditional with us that we should not confide into the hands of selfish interests the national defense of our country in supplying us with munitions of war, either in times of peace or in times of war, except by our permission or under the command of the President of the United States and the Congress.

Now, my friends, there are many others who want to speak on this bill, and I feel I should conclude, but, my friends, in my opinion there has not been brought upon the floor of this House in this or any other Congress since I have been here a more important piece of legislation than you are now considering under a special rule, and in my humble judgment if you shall pass this legislation as the years go on you will have cause to regret that you did not stand by the traditional moorings and teachings of our country and not start out on a program of education that can not end in any other way than detrimental to our own established institutions.

The CHAIRMAN. The time of the gentleman from Texas has expired.

Mr. GARRETT of Texas. Mr. Chairman, I yield myself two additional minutes. Not only that, my friends, but we propose in this legislation to turn over to private industry all of the dies, jigs, and everything the Government has that have always been considered military secrets within its ordnance department. I contend that those secrets pertaining to our national defense should not be taken away from the Ordnance Department and turned over to private industry.

Mr. RANSLEY. Will the gentleman yield.

Mr. GARRETT of Texas. I yield.

Mr. RANSLEY. If the gentleman would only read the reports he would find that the jigs and dies will remain the property of the Government and are not turned over.

Mr. GARRETT of Texas. Why, certainly. The Government simply gives them away for a season, but of what use would these things be after manufacturers have reproduced them and are prepared to make everything there is in them? Who cares anything about the title after they find out all they want to know? You may not turn them over permanently, but after they have been turned over and they learn everything about them, who then cares anything about the title? The Government is to get back those dies and jigs, but the manufacturers will have gained all the information they desire about them, can reproduce them if they wish, so that there is no great use to be made of them thereafter by the Government.

Now, my friends, I simply want to sound this word of warning. I hate to disagree with the chairman of my committee and the majority of my committee, but to my way of thinking in the interest of the national defense of my country, I am unwilling to pass legislation that will end, in my opinion, in turning over the manufacture of munitions of war to private industry, both in times of peace and in times of war. [Applause.]

Mr. MORIN. Mr. Chairman, I yield 10 minutes to the gentleman from Mississippi [Mr. QUIN]. [Applause.]

Mr. QUIN. Mr. Chairman, the gentleman from Texas [Mr. GARRETT] is unduly alarmed about what this bill means. I have always been very conservative toward the War Department of this Government. I never did, on any occasion, allow them to reach their hands into the pockets of the people, but I have not been sitting around here idle all these years. [Laughter and applause.]

It is manifest, gentlemen, that this is a progressive Government. The United States of America, in my judgment, is greater than any other three governments of this civilized world. This Republic has always been nestling in peace and never prepared for war, and still we always win every war. All these people plotting around are afraid the United States is going to be engulfed in some cataclysm and be destroyed in some unknown manner. This sounds like nonsense to me, but with the rapid progress we are making in development, the United States Government can not sit down and be idle.

So far as I am concerned, I believe that these things that fly through the air like blimps, airplanes, and airships can whip out all the armies of the world. So far as infantry is concerned, in 30 years from now it will be a thing of the past.

Who, 20 years ago, would have thought you could have this thing we call radio, where you can sit down in your own home and listen to a man over in Rome or in London, and listen to the beautiful operas and to the great orators of this earth? Ten years ago you would have thought the man was crazy who would say we could do that. Ten years ago you would have thought the man crazy who believed we could fly through the air and carry freight and passengers, yet a man crossed the Atlantic Ocean in an airship and flew all the way down to South America in an airship and returned just as safe as we used to be in the ordinary ox team. Yet there are people who are afraid to do anything. [Applause.]

My friend GARRETT stood up here and talked about \$5,000,000 in five years' time. This is not an additional sum, but it must come out of the available funds appropriated for munitions of war. To have this country absolutely safe with regard to all the different things that will go to make us a success in any war, an experiment of \$1,000,000 a year is indeed economical.

The gentleman says we ought to do all of it in the Government arsenals. I believe in making everything we possibly can for the armed forces of the Government in the arsenals that this Government operates, and yet good business makes me know it is necessary for private industry to know something about making these different accessories, like guns, machines, and so forth, that our Government would need in an emergency.

Mr. GARRETT of Texas. Will the gentleman yield?

Mr. QUIN. I yield to the gentleman.

Mr. GARRETT of Texas. Did not the hearings before our committee disclose that munitions of war go out of date and become obsolete in a short length of time; and what evidence has the gentleman that what these manufacturers might make would not be out of date when the war came on?

Mr. QUIN. Certainly; and, my friend, that good double team that your father owned went out of date, and you have an automobile to-day; but was he crazy because he had a nice horse and buggy? Do you mean to say that because a man had a wheelbarrow he is crazy when now he has a tractor that is run by gasoline and a motor engine? [Laughter and applause.]

The argument of the gentleman is that we should sit down here and not do anything. As I told you to start with, I believe all of this will be antiquated and out of date 30 or 40 years from now; but it behooves us as patriotic men in the watchtower to be ready at all times and at all hours, because we do not know when the enemy will come to our door.

What kind of manufacture is provided for in this bill? It is not to be for profit. The evidence before our committee is that this is to be done out of patriotic motives, and I believe that, because I do believe there are many honest, patriotic men engaged in business in this country who are anxious to make these patterns and start this line of business and have a few trained men at hand to organize a great force of workers in that particular line whenever needed, not for profit. They are entitled to their expenses and a reasonable profit if they want it, although the gentlemen who testified before us said many of them would agree to do it without a dime of profit.

These are the things that will keep the United States Government up to date in jigs, dies, and the different types and kinds of guns and cannon and the different types and kinds of ammunition; not the things you put on the soldiers' backs, not the things you put in his stomach, because they are articles of commerce that anybody can make, and you can get them in any emergency, but these are the technical things that we need to fight a war with.

These are the things that are necessary to win a victory. These are the things that you must keep up to date and have somebody prepared to make them in case you want a great number of them all of a sudden, just like it was with respect to this Government when we went into the war with Germany. At that time our country did not have the different necessities in store, and should not have them. Our mistake was that we did not have any experienced force and the dies and patterns in different lines of private industry prepared to make in mass production the guns, accessories, and munitions of war called for by the exigency of the occasion. We were too long in getting ready for the needs of the Army. We were fortunate that our allies could supply us the guns and munitions. We do not propose under this bill to waste a dollar of money. We mean to save much money for the Government of this Republic by adopting this businesslike policy, as a man must do when he engages in a successful business. There is no business but what must keep abreast of the times.

Mr. JOHNSON of Texas. Will the gentleman yield?

Mr. QUIN. I yield.

Mr. JOHNSON of Texas. Does not the gentleman think it is wise to have the provision whereby competition is eliminated?

Mr. QUIN. Certainly; what do we want to fool around for when you ask patriotic men to do this thing?

Mr. JOHNSON of Texas. How do you know that they are going to be patriotic?

Mr. QUIN. I assume that we will have a sensible, patriotic man to be Secretary of War. If he turns out to be a rascal it will not be but a little time before Congress knows it; but we can not start out with the proposition that every man put in a high place is going to be a scoundrel. I assume that in a business proposition the Government will get the best of it. We want to send out these men to these large factories to see what they can do in a time of emergency. Here is a factory that can make a certain thing, and we want to take on this experiment to see if they can make a certain type of munition of war, a small division of it to be turned out in an experimental way, when if there should be war they could turn over the entire plant to the making of that thing. Take another factory to make another special thing, and so on throughout the United States

we could have 25 different plants that would be ready in the space of a day and a night, to turn the plants over and manufacture that thing by the thousands.

We want it understood that if the Government needs it they know the place where they can go and have them turned out. That is the object of the bill—not as my good friend from Texas says to go into an unknown field or into an unknown method of handling the thing. It is a sensible businesslike way of handling them, not in an unknown field, but so that the Government will be able to know where to obtain the technical parts of these things if war does come. [Applause.]

Mr. GARRETT of Texas. Mr. Chairman, I yield 20 minutes to the gentleman from Iowa [Mr. LETTS].

Mr. LETTS. Mr. Chairman, I am very anxious that Members of the House should at least understand the nature and extent of this bill. I hope that I may always be considered reasonable with respect to matters which relate to justifiable preparation for war or against the threat of war. I think that this Government should have a well-developed and fully considered program with respect to that matter, but I believe it should come from the Congress of the United States. I do not think that a policy of that kind should be developed in the office of the Secretary of War and be handed out to Congress piecemeal. I wish it might be fully understood just what this bill will do.

At this time the arsenals of the United States have about one-third as many civilian employees as they had in 1913 and 1914, before there was any breath or suspicion of war.

Since the war ended these plants have run down; they are almost abandoned. The few men that are employed there are required mostly to take care of the machinery in the shops. Here is the Rock Island Arsenal near my district worth approximately \$400,000,000. It is practically idle, many men employed there were thrown out and required to find employment elsewhere. Yet they say it is necessary to give these educational orders to private concerns throughout the country so that someone may know how to produce war materials. Why not have someone in the arsenals that understand these things? Why not have a personnel in the arsenals that can readily expand and send skilled and able men out into private concerns to direct the operation of those plants?

Mr. MORIN. Will the gentleman yield?

Mr. LETTS. I yield to the chairman of the committee.

Mr. MORIN. How would the gentleman expect the arsenals to function if they send these men out to private concerns?

Mr. LETTS. The arsenals should be sufficiently manned so that they could spare the necessary men to go out into the private manufacturing concerns.

Mr. MORIN. They only produce 10 per cent of the full capacity in peace times. We need the men in the arsenals for the same reason that we need them in the factory in the time of an emergency.

Mr. LETTS. The trouble with the gentleman's suggestion is that he is willing to neglect factories and arsenals which are now owned and controlled by the Government, in order to build up the industrial organizations throughout the country. We should have those splendid arsenals of ours equipped with machines and tools and jigs and dies and men and foremen, so that in time of emergency we can pick up these able men and send them to the private plants and let them take charge of production.

Mr. SWING. Mr. Chairman, will the gentleman yield?

Mr. LETTS. I yield to the gentleman from California.

Mr. SWING. Is not that what took place in the last war?

Mr. LETTS. That is exactly what took place. I call attention to the fact that we had at the Rock Island Arsenal something over 1,900 men before the great World War broke out, and now we have about 670 men there. Some men were sent out as foremen, and we were required to draw in many more workmen from all these parts of the country at a very great cost to the Government.

Mr. BARBOUR. Mr. Chairman, will the gentleman yield?

Mr. LETTS. Yes; I yield to the gentleman from California.

Mr. BARBOUR. At the time of the World War was not our industry on a producing basis because it had been producing munitions for two years for the Allies?

Mr. LETTS. Yes; that is correct.

Mr. WAINWRIGHT. And yet, notwithstanding that fact, was it not a year and a half after we were in that war before our armies were in any way supplied with what they ought to have?

Mr. LETTS. Perhaps so, but there is nothing in this plan that will speed up matters of production. I ask the gentleman, when would the private concerns want these orders? They say they are willing to take them without profit. When would

they want them? Would they ask for them at the busy times, when they are making plenty of money for the stockholders, or when work is slack?

They would then come to the War Department and say, "Business is slow throughout the country, and we must have a war order from you in order to keep our factories running," and every industrial plant throughout the country will, when business is bad, come to the Government and say, "Now is the time that we must have these orders; we must have orders worth enough to us, at least, to enable us to keep our working forces together and avert the necessity of turning them loose." What would be the result? We would be building up a war party in this country of manufacturers, who know that they can come to their Government in a time of financial, industrial, or labor distress, and get the orders that will help them out of their difficulties, and we would be putting the spirit of war in our workmen around those private plants, who, at the behest and suggestion of their employers, would write to us, their Congressmen, and say, "See that our plant gets a war job."

Mr. BUSBY. Mr. Chairman, will the gentleman yield?

Mr. LETTS. Yes; I yield to the gentleman from Mississippi.

Mr. BUSBY. Would not the natural consequence of scattering this manufacturing of ordnance all over the country tend to cause the different parts of the country to demand war on slight provocation, in order that they might have more business?

Mr. LETTS. Certainly; and, furthermore, if we prepare for war, are not the countries that we are preparing against going to prepare themselves to meet us, and does not that foment a war spirit throughout the world?

Mr. W. T. FITZGERALD. Is there not a plant down at Alexandria?

Mr. LETTS. I think not?

Mr. W. T. FITZGERALD. Did they not have one there just about the close of the war?

Mr. LETTS. I am not sure about that. That may be.

Mr. W. T. FITZGERALD. I understand that they had. I was wondering what condition that was in.

Mr. LETTS. The gentleman from Pennsylvania [Mr. MORIN] has suggested that while this act will repeal certain parts of the national defense act, it is in the interest of good judgment and good ordinary sense. What does it do? In the first place, we have as a part of existing law a provision that munitions of war and war materials must be made in the arsenals when they can be produced there on an economical basis. This bill would repeal that part of the law. Furthermore, it is a provision of existing law that materials required by the Government must be procured upon competitive bids, and this bill would directly repeal that law and permit the Secretary of War to pick out a favored bidder. It presents the opportunity for favoritism. It may easily become a matter of tremendous and vital national importance. I have not the facts in detail, but I recall that about 1913 there was a gentleman in this House from the fourteenth district of Illinois named Tavenner, the immediate predecessor of the distinguished gentleman, Mr. Graham, who was ahead of our distinguished colleague, Mr. ALLEN. Mr. Tavenner analyzed the Navy League at that time, and he found that every member of that league was a representative of some large manufacturing concern that had orders to produce materials for the United States Navy. Think of it! And is not that the natural tendency? What would happen here? Is it not the most likely thing in the world that after this bill is enacted the private manufacturers of the country will assemble themselves and organize so that they may have an effective and necessary understanding between them so that there will be no overlapping, so that there will be no jostling, so that each one will get his share of the pudding that is being passed about?

Mr. BLACK of Texas. And is there not always the danger that these interested parties would foment war scares for the purposes of stimulating orders of that kind?

Mr. LETTS. I think that is a very reasonable probability, and more than that, it is most likely. Recently the Assistant Secretary of War went before a committee of the Senate and requested an appropriation or an authorization to purchase 100 light tanks, all the time having within his own jurisdiction these arsenals, a particular charge that belonged to him. Now I understand that he believes that to purchase and to procure may be somewhat synonymous in meaning; but he forgot the arsenals.

Mr. WURZBACH. Mr. Chairman, will the gentleman yield?

Mr. LETTS. Yes; I yield to the gentleman from Texas.

Mr. WURZBACH. I view of the fact that by the express terms of this legislation only \$1,000,000 a year can be expended, does not the gentleman believe that he is unduly

alarmed at the danger of too great an extension of power in the Secretary of War?

Mr. LETTS. May I ask the distinguished gentleman to answer the question for himself? The request has gone out under the propaganda for a 10-year program for about \$2,000,000 a year. We have authorized the expenditure of something less than \$700,000 a year only for this purpose. Now, if \$1,000,000 a year is used for educational orders, it will be about \$300,000 in excess of what is being expended now for all purposes of that character, just where will the arsenals come in?

Mr. WURZBACH. I do not think it is contemplated that the arsenals shall be done away with or that their power shall be limited. Following up the question which I propounded in the beginning, does not the gentleman believe that if there should be any abuse of the discretion conferred upon the Secretary of War, Congress could then within a year correct this legislation, or repeal it if it saw fit?

Mr. LETTS. Yes; but in the meantime a great deal of damage may be done, and you will have propaganda constantly on your desks, and the manufacturers of the country will be writing to you asking you to support this thing, which is to their advantage.

Mr. WURZBACH. You doubt then that Congress would have the intelligence and the courage and independence, in the face of this propaganda, to remedy the situation?

Mr. LETTS. I expect the Congress to resist this propaganda to-day. Perhaps the gentleman believes, as others describe this bill to be, an authorization for a million dollars a year for five years independently for educational purposes. Indeed, the language of the bill may justify such interpretation, for at the bottom of page 4 you will find language like this—

Provided further, That the Secretary of War is hereby authorized to expend not to exceed \$1,000,000 in each of the next succeeding five fiscal years after the passage of this act.

Mr. HUDSON. Mr. Speaker, will the gentleman yield?

Mr. LETTS. Yes; I yield to the gentleman from Michigan.

Mr. HUDSON. As I understand the purposes of this bill, they use the term "educational" so that in these plants workmen may be trained so as to have knowledge in the production of these things. But is it not true that these workmen would be scattered in the interval, and you must have continuous employment, and therefore the very fact of the turnover would defeat the purpose of the bill?

Mr. LETTS. Yes. I think that is obvious, and when we realize that no manufacturer will want these orders if they are to be without profit, it is plain that they will not take them at the time when the Government should have the service, but only at such times as meet the convenience of the manufacturers.

Mr. MORIN. If the gentleman will yield—

Mr. LETTS. Yes; for a question.

Mr. MORIN. I will say that the manufacturers—

Mr. LETTS. I did not yield for a statement. I yielded for a question. That is the representation that has been made, that these educational orders are to be without profit. How can any manufacturer or the manager of any incorporated concern represent his stockholders in that manner, and what inclination is there in men engaged in business to labor without reward?

Mr. LAGUARDIA. Mr. Chairman, will the gentleman yield?

Mr. LETTS. Yes; I yield to the gentleman from New York.

Mr. LAGUARDIA. Is it not all fresh in our memory, the huge profits that were made by these manufacturers during the war?

Mr. LETTS. We never can outlive the shame that the profiteers brought upon us during the war.

Mr. HUDSON. Dollar-a-year men.

Mr. BUSBY. Mr. Chairman, will the gentleman yield there?

Mr. LETTS. Yes; I yield to the gentleman from Mississippi.

Mr. BUSBY. How can they manufacture these things without investing a great deal of capital in their plants?

Mr. LETTS. In this bill, as I understand it, we allow the Secretary of War to enter into any kind of contract, on a cost-plus plan or anything that would involve expenditures, and including the necessary cost to equip the plant and carry out the contract.

Mr. BUSBY. If this is to be an educational bill, would it not be better to educate the people to make these articles in the Government arsenals?

Mr. LETTS. Yes. But this is not to educate the people in the ways of economy and thrift, but in a new way of spending the people's money.

Mr. HOWARD of Nebraska. I have not the information at hand myself, but does the gentleman know whether this bill has the unanimous approval of the Committee on War?

Mr. LETTS. I can not answer that.

Mr. MORIN. If you refer to the Committee on Military Affairs, I am one member who does not object to the bill. If the gentleman will yield now, I wish to say—

Mr. LETTS. I can not yield now. I am sorry. The chairman says it is not proposed in any way to harm arsenals and the men and women employed in them. I propose at the proper time to offer an amendment which, it seems to me, will test the sincerity with which the proposition has been advanced, that the bill will not injure the arsenals.

By my amendment I want to provide that "nothing in this act shall operate to reduce in quantity the amount of any class of ordnance work at present being performed in each or any of the Government arsenals, nor shall any educational order be awarded to any private individual, firm, or corporation until provision is made for assigning to the several Government arsenals a sufficient amount of ordnance work and other materials that are required by the War Department and of the work of other departments and agencies of the Government sufficient to continue the employment of a continuous working force not less than that employed prior to June 30, 1917, at each of the several arsenals."

The CHAIRMAN. The time of the gentleman from Iowa has expired.

Mr. MORIN. Mr. Chairman, I yield 15 minutes to the gentleman from South Carolina [Mr. McSWAIN]. [Applause.]

The CHAIRMAN. The gentleman from South Carolina is recognized for 15 minutes.

Mr. McSWAIN. Mr. Chairman and members of the committee, I wish to explain, if I may, very briefly the salient points of the bill as recommended by the committee. The original bill as introduced in the House and considered by the committee was vulnerable in all the respects, in my humble judgment, that have been argued in opposition to the bill as reported. If gentlemen have read the hearings before the committee, they will see, I believe, that I urged objections of the same general nature as have been urged here. Therefore the whole matter was gone over in my own mind, and I offered in the committee amendments which prevailed, and those amendments constitute the bill that is now under consideration.

Let us see some of the points of distinction and difference in this amended bill and see if the committee is not justified in asking for legislation of this sort as recommended here. In the first place, the original bill authorized the letting of contracts for the procurement of equipment, ordnance, and accessories thereto generally. The bill as reported restricts and limits the power not to equipment and ordnance generally but to what? To munitions of war. Of what sort? Of a special and technical design, noncommercial in character, and essential accessories and parts thereof which may be needed—that is, accessories to special, technical, and noncommercial articles.

Now, it is manifest that in order to be prepared to turn out munitions of a special, technical, and noncommercial character there must be some preliminary changes in preparations of design and plan. The evidence is that the arsenals, which have been mentioned by the previous speaker, were unable in the last war to produce more than about 15 per cent of the total munitions necessary to carry on.

Mr. LETTS. Will the gentleman yield?

Mr. McSWAIN. Certainly.

Mr. LETTS. Would it not be well if the War Department would come to the committee with a program which would include some kind of a plan that would make reasonable peacetime use of the arsenals? In other words, is not that the best place to begin and not the place to end in the matter of preparation for war?

Mr. McSWAIN. If the gentleman were to start to manufacture commercial commodities in a Government plant, we would run into the proposition we ran into with reference to the use of the Muscle Shoals property, which has a great national defense scope and purpose, and when we proposed to use that in peacetime for the fixation of nitrogen, which would have value as a commercial and agricultural commodity in order to promote agriculture, the House passed it, the Senate passed it, and it met with a pocket veto from the President. We always run into opposition when we attempt to put the Government into business.

Mr. LETTS. Is it not the gentleman's conclusion that this relates to noncommercial articles only?

Mr. McSWAIN. The noncommercial articles mentioned here are articles that are capable of being used only in war. That is the point and that is what is meant by noncommercial. It means fuzes, bombs, weapons, and things of that sort.

Mr. LETTS. I should think that perhaps it might mean articles not used in commerce.

Mr. McSWAIN. Why, certainly; that is what it means. Therefore it is necessary that these ordinary industrial plants

shall be permitted to have some training period in order to be able to turn out such noncommercial, special design and technical commodities in the event of war.

Mr. DOUGLAS of Arizona. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. DOUGLAS of Arizona. It seems to be the contention that some of these munitions and articles of war should be manufactured in Government arsenals. If we were to compare the capital investment which would be required in Government arsenals to adequately equip and maintain an army at the front with the relatively small amount carried in this bill, which would the gentleman think would be the greater?

Mr. McSWAIN. It is obvious, of course, that since we are not engaged in war, except for a small percentage of the time—certainly we have not been engaged in war during 5 per cent of our history—that to maintain great ordnance establishments and great arsenals at 100 per cent maximum for the production of articles that are used only 5 per cent of the time would be bad business for the Government and for the Treasury. We do not maintain an Army of 1,000,000 men all the time to do all the fighting, but call from the civilian ranks men to fight when the Nation's life and honor are at stake. So it is proposed, and ever has been the scheme, that ordinary commercial industrial enterprises shall in time of war be able to contribute those supplies of munitions, ordnance, and accessories thereto that are necessary to carry on.

But let us go on. Do you not see that a part of the bill proposed here is that the first order may include what? A set of gauges, dies, jigs, tools, fixtures, and other special aids and appliances, the title to which shall remain in the Government. Having been manufactured by such and such concern, having been accepted by the Ordnance as sufficient to accomplish the purpose desired, they are tagged, they are stored away, they are stored in a certain compartment, and marked as being suitable to be used in a certain industrial plant; and in the event of emergency they are put on the machinery already in that establishment and the plant starts to turning out equipment with a very small percentage of the time that would be required if they had to start with the making of such dies, jigs, and patterns.

I think all of us, including those who have in the best of good conscience seen fit to oppose this measure, will agree this is wise, because we all know, ladies and gentlemen, that modern wars are not only wars of men, but they are wars of munitions, they are wars of machines, they are wars of matériel, and that is an increasing proposition, and it has progressively increased from every war that we have historic knowledge of until this good day.

As I now remember, there was more explosive content, more nitrogen, consumed in the Battle of Gettysburg than was consumed in the whole seven years of the Revolutionary War, and several times as much consumed in the great assault and attack at St. Mihiel in 1918 as at the Battle of Gettysburg.

Mr. WRIGHT. Will the gentleman yield?

Mr. McSWAIN. I yield to the gentleman.

Mr. WRIGHT. There seems to be the idea among some of the Members that this is an entirely new proposition. I want to ask the gentleman if the War Department is not doing now just what is authorized by this bill in putting out educational orders?

Mr. McSWAIN. They are trying to do it. In compliance with existing law they are, of course, letting contracts, but they are obliged to let them as the law requires under the principle of competitive bidding.

Mr. WRIGHT. I understand that, but they are actually doing this kind of work?

Mr. McSWAIN. Oh, yes; in effect.

You will observe there is another very marked distinction between the original bill and the bill as reported. The original bill did not contemplate any advertisement. I am committed to and firmly convinced of the proposition that there must be the widest publicity in all Government business. So I insisted that there should be in this bill a provision that there shall be advertisement to the whole country so that every person, firm, or corporation in the country shall have ample opportunity after such notice by advertisement to come in and offer to bid on every proposed contract.

Mr. LINTHICUM. I think the gentleman has probably answered the question I was about to ask him. When the gentleman asked you awhile ago how they were doing this work now, the gentleman said that they had to do it by competitive bidding. Does this bill intend that they shall continue under the plan of competitive bidding?

Mr. McSWAIN. The bill as now reported requires advertisement and requires competitive bidding, but does not require the War Department to accept the bid of the lowest bidder. That

is not required. It permits the War Department to pick out which of the bidders in its judgment will best contribute to the strengthening of the national defense from an industrial point of view, and offer the bid to him rather than to another.

Mr. SWING. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. SWING. Where in the bill does it require the Secretary of War to let it to any one of the persons who bid? He may advertise for bids, but he may let the contract to some one who has not bid at all.

Mr. McSWAIN. If it is not in there, I will offer an amendment so that it shall be in there.

Mr. SWING. Will the gentleman also offer an amendment that it shall be done without profit, as has been so generally stated here?

Mr. McSWAIN. No; I do not take any stock in that. Nobody is going to do any kind of work without profit.

Mr. SWING. We have been told that that is their promise.

Mr. McSWAIN. That has been stated, and that is the belief of many; but that is just an unreasonable proposition, that is all there is to it.

Mr. SWING. Of course.

Mr. McSWAIN. How can a man agree in advance whether it is to be with profit or not?

Mr. LINTHICUM. Will the gentleman yield for one more question?

Mr. McSWAIN. Yes.

Mr. LINTHICUM. If we are already doing this work by competitive bidding and getting along pretty well, why do we need more legislation?

Mr. McSWAIN. For the very reason that has been urged, if the gentleman will permit, that to require the acceptance of the minimum bid might give the work to an enterprise that is not qualified or not situated so that it can in time of war be of material help to the Government.

Mr. LINTHICUM. Why would you have such a firm as that to bid at all?

Mr. McSWAIN. We do not ask anybody to bid. We advertise it to the world and let everybody bid. You can not pick out your bidders.

The CHAIRMAN. The time of the gentleman from South Carolina has expired.

Mr. MORIN. Mr. Chairman, I yield to the gentleman five additional minutes.

Mr. O'CONNOR of New York. Will the gentleman yield?

Mr. McSWAIN. Yes.

Mr. O'CONNOR of New York. With reference to this advertising about which the gentleman feels so strongly, would it not be possible for that to be a very harmful thing, especially if you are going to advertise to the world that the United States is interested in developing certain machines of war? Is not that business sometimes necessarily done secretly, so that this advertising feature might be injurious?

Mr. McSWAIN. No; I do not think so. I do not agree with the gentleman about that. The only things that any nation is justified in keeping secret are peculiarly technical military instruments of war.

Mr. O'CONNOR of New York. Take a specific instance, and suppose the Government was trying to develop a gun larger than any yet produced, and they advertised and wanted bids to build the dies or whatever may be necessary to build the gun, referring to it in size, the rest of the world immediately knows that the United States Government is going ahead, and they will likewise go ahead. I do not see any sense in that advertising feature at all.

Mr. McSWAIN. Well, I am sorry to differ with the gentleman, but I submit what is the history of every State in this Nation, that in order to obtain supplies for public use every firm and corporation in the State shall have an opportunity to bid on them. We can not keep things like that secret. You can not hide a big gun, you can not hide the airplane. I am not alarmed for fear somebody will find out our military strength. If we have the strength we need not go around swaggering with the big stick; we take the attitude of manly independence, and say, "Here we are strictly on the defensive, but if you want to jump on us, we know what you will get." We are not intimidating anyone but respecting all, strong and weak alike.

Mr. DOWELL. Will the gentleman yield?

Mr. McSWAIN. I yield.

Mr. DOWELL. I want to call attention to one of the provisions in this bill. At the bottom of page 2, it says:

That the Secretary of War is authorized to place such orders with such persons, firms, or corporations as shall, after consideration of all offers and of the circumstances, appear to him, in his discretion, best calculated to serve the interests of the Government and promote the cause of national defense.

Mr. McSWAIN. Here is the answer to that. On page 2 it says:

Provided further, That any person, firm, or corporation receiving any such contract or order shall keep an accurate record of account of all costs for the manufacture of all such gauges, dies, jigs, tools, fixtures, and other special aids and appliances, and of the munitions and accessories and parts hereby authorized to be manufactured, and such record of account shall be submitted at any time upon demand to the Secretary of War or any person designated by him for inspection and audit, to the end that full information relating to the cost of such production may be had by the Secretary of War, and a certified copy of said record of account shall be delivered to the Secretary of War at the completion of the contract, to be preserved by him for the period of 10 years thereafter.

These must be kept 10 years and reported by the Secretary of War. Now, here is the point: This is to be public. The acts and doings of the Secretary of War must be reported to the Congress. If he abuses that discretion of letting the contracts, then Congress will correct him and charge him with certain malfeasance in office. Under the law, if administered fairly and honestly, you will find out what it costs in peace time to manufacture these things. Therefore, we will have a standard check against graft and greed demanded in an emergency war. Because when the manufacturers say to you that they can not manufacture for less than a certain sum you will answer that in peace time, as shown by the report, here is the time sheet, here is the material sheet, here is the cost of the items of various factories, and so in time of peace it costs so much. So that we will know what the cost is, and if prices are frozen when war breaks out we can then say that it costs no more in war time than in peace time, and we will have a standard to guide us in time of war in letting contracts.

Mr. TILSON. Did the committee have hearings on this bill?

Mr. McSWAIN. Yes.

Mr. TILSON. Was the report unanimous? I see no minority views on it.

Mr. McSWAIN. So far as I know there were no minority views.

Mr. GARRETT of Texas. I will say that the vote in the committee, although I understand it is not in order, was unanimous except that I was one member who voted against it. I now yield 10 minutes to the gentleman from Mississippi [Mr. COLLINS].

Mr. COLLINS. Mr. Chairman and gentlemen of the House, whenever anyone these days wants to put over something they sloganize it. That is what they are doing here; they put in the word "educational" merely for the purpose of trying to fool us and cram down the throats of this Congress one of the most vicious pieces of legislation ever proposed.

Let us see what the bill actually provides; let us strip it of some of its verbiage and see what is in it. It provides for the manufacture by private concerns of munitions. That includes ordnance, it includes shells, it includes powder, it includes all kinds of explosives, all noncommercial in character. In other words, it includes everything except that which is carried in the stores of the country. It includes uniforms, it includes shoes, unless these shoes are of a commercial nature.

I am stating the facts in this case, and if you will get a copy of the bill and carefully read it you will see for yourselves that I am stating facts correctly. That is all I ask you to do. It includes everything except what is ordinarily commercial in its nature that the War Department wants to buy.

That is not all there is in this bill. It includes "essential accessories"—whatever that might mean—and parts thereof, and these expressions are to be taken separate and apart from munitions of war.

We see now what they are privileged to buy. Let us go on and see what else is provided. It is provided next that there shall be public notice so that business may bid. That is just throwing out a sop to somebody, because it is perfectly meaningless. What is the use of having bids when the bidder can not get the contract? And that is what the bill says. Somebody down in the War Department thinks that we are a lot of dumb-bells and are going to swallow this measure merely because it is labeled "educational order." What next is provided?

That the Secretary of War is authorized to place orders with such persons, firms, or corporations as shall, after consideration of all offers and of the circumstances, appear to him, in his discretion, best calculated to serve the interests of the Government—

And, of course!—

and promote the cause of national defense.

Some more bunk. What can he do? He can buy anything of the nature first described and pay any sort of price that he may elect to pay in his discretion. He is not going to buy, of course.

We talk about the Secretary of War, when we know who is going to buy this stuff. We know that Army officers are going to buy it. Before I read further let me skip to the last part of the bill and see what are to be taken into consideration in these purchases:

and shall account for such other items and factors of cost as the Secretary of War may require, including direct labor, material, general expenses, and overhead.

There is no limit to the profit that may be made out of these orders. It is a bid thrown out to industry so that industry will get behind this big procurement-planning program of the War Department by which they propose, and there is legislation now for it, to have 35,000 Army officers to take care of the factories and fields and transportation companies of this country of ours. They have got some in them now, and in the last War Department appropriation bill they proposed additional officers of this kind in the Medical Corps.

Let us go further and see what else is involved in this bill. This bill also authorizes them to purchase and to put into the hands of manufacturing concerns, gauges, jigs, dies, and those things which are essential to the manufacture of certain classes of munitions. We have always provided for jigs and dies. We have over \$25,000,000 worth of jigs and dies and gauges in the War Department now, used in the last war, which are catalogued and are ready for use at any time, and we gave them \$25,000 more this year for jigs and dies than was provided for in the 1929 bill. There is only one thing that is left, then, according to their own arguments, and that is to "educate men" to do the work. When you say that, you have said all, even accepting their plans and their proposals. We have navy yards and arsenals in this country, and those arsenals and navy yards are now doing just one-third as much work as they did in 1914, and in 1914 they did one-twelfth of their maximum capacity. In other words, one thirty-sixth of the forces in the navy yards and arsenals to-day are supplying this country with sufficient ammunition to take care of all munitions, and so forth, which we use in practice in the Army and the civilian branches of the Army, and in addition to that we have enough ammunition in reserve now to last a million men one year.

If the word "educational" were left out of this bill, it would not get 25 votes in this House, and the word is absolutely meaningless.

The CHAIRMAN. The time of the gentleman from Mississippi has expired.

Mr. MORIN. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. WAINWRIGHT].

Mr. WAINWRIGHT. Mr. Chairman and gentlemen of the committee, sometimes when I hear gentlemen speak in this House on matters concerning the national defense it seems as though they took a ghoulish satisfaction in opposing everything that is for the national defense, and they always seem to be predicating their remarks upon the idea that the War Department is engaged in some fell design to scuttle the finances of the country. As a matter of fact, this measure, in my judgment, has a very vital bearing on the whole subject of national defense. May I call to your mind, particularly to the minds of those who happened to be in the Army during the war, the condition that confronted us with regard to material and supplies required for war. You will remember that there was not an airplane or a bit of ordnance that was delivered upon the western front or used by our armies in battle before the armistice, and that it was not until the war was practically all over that this huge supply of material and munitions referred to here to-day was created or came into being. It is just to prevent a recurrence of that situation, to attempt to prevent that condition, that this measure is brought in. You will remember that in the national defense act Congress attempted to fix the responsibility somewhere for the assurance of adequate material in time of war, and reposed that responsibility upon the Assistant Secretary of War. Congress made him responsible for the assurance of adequate material for war. That has necessitated what is known as the industrial war plan, and the Assistant Secretary of War, under the Secretary of War, has been trying for the last seven years to develop a plan to obviate the condition which existed when we went into the last war, when we were absolutely helpless, so far as anything else but man power was concerned. It has been suggested here that the arsenals can be relied upon to supply us with munitions of war.

The arsenals can never supply us with more than about 1 to 10 per cent of the supplies we will require in war. Where are the other 90 per cent to come from? Manifestly from the industries of the country. One of the things that impressed those who came into the War Department shortly after the war was the vast supplies of munitions on hand, and then we

realized that the facilities and appliances in the factories and industries that created that vast supply had been dissipated or been dismantled or, at all events, practically have ceased to exist. The problem presented was, how in case of another emergency can we secure in some reasonable time all these special munitions and appliances we must have, and which require a special knowledge and a long time to make?

How, I ask now, could we get into our stride again without beginning all over again? This measure is designed in a very reasonable and very practical way to enable the industries of this country to acquire the knowledge of what responsibility would rest upon them in time of emergency and of how to meet that responsibility. I say, gentlemen, we should not approach these matters from the standpoint of the frailties of human nature and predicate our action upon the idea that those in the War Department and other departments of the Government are apt to be faithless to their trust. I sometimes think, gentlemen, that our whole course is predicated more upon the idea that we are a dishonest, rather than an honest people. I hope the House will rise to the fine purpose of this measure, and not decide it upon the basis of the local interests of arsenals, but from the broadest standpoint of the national interest. [Applause.]

Mr. GARRETT of Texas. Mr. Chairman, I yield five minutes to the gentleman from Indiana [Mr. Wood].

The CHAIRMAN. The gentleman from Indiana is recognized for five minutes.

Mr. WOOD. Mr. Chairman and gentlemen of the committee, I am opposed to this measure. It is not because I have any prejudice against the War Department. I am opposed to it because it is impracticable. If we are going to be practical—and we should be practical as legislators—we ought to require those in charge of the War Department in looking after our interests to be practical. If we are to maintain arsenals in this country and appropriate millions of dollars every year to maintain them, those arsenals ought to be the great educational institutions, the laboratories of the Army for the purpose of meeting these constant changes in munitions of war. Guns and airplanes built to-day become obsolete to-morrow. It should be the duty of the national factories in this country to keep up with the constant changes in these munitions of war. The arsenals should be so equipped as to keep constantly abreast of these changing conditions, making new patterns and having them at all times up to date, so that in the event of war, when we shall have to expand these other institutions, they may be supplied with these latest patterns and jigs and materials and other devices.

Why, when we got into the World War we talk about not having had time in which to prepare ourselves for the manufacture of munitions. The fact is that every factory in this country had been manufacturing munitions for more than two years before we got into the war for the Allies, notwithstanding this when we got into it we did not manufacture a shell of our own that was ever fired over there, I am told. There was something deficient then, and that should be a lasting lesson as to why we should keep these arsenals up to date. The War Department ought to be supplying them with information which they are supposed to obtain concerning the continual improvements in the science of war and the changes in the munitions of war.

Besides that, we are setting here a very dangerous precedent. If we are going to permit Army officers, in their discretion, to purchase these munitions of war, we will next be asked to give the naval officers discretion in the purchase of all the necessities for the Navy Department. Not long will it be, then, with this precedent before us, until every other branch of the Government will be asking that they have the same discretion. It is a very dangerous proposition.

This million dollars that is mentioned here, \$1,000,000 for each of five years, is just the nose of the camel getting under the tent. It will cost, I dare say, \$20,000,000, in addition to this million dollars that may be expended for the purchase of munitions, to purchase jigs and patterns that are proposed to be scattered all over this country. We should act practically upon this proposition, and if we are going to adopt this new scheme against the Treasury, the extent of which no one can calculate, we ought to shut up the doors of the arsenals. To adopt this scheme is to declare our arsenals have been a failure, and that we have been wasting our money in times past. The practical thing to do is to have these war officers give their expert knowledge to the arsenals which we are maintaining [applause], and then if war comes—and God forbid that it should come—we can depend upon that agency which we have created for the purpose to keep us in an up-to-date state of preparedness. [Applause.]

Mr. MORIN. Mr. Chairman, how much time have I remaining?

The CHAIRMAN. The gentleman has 13 minutes.

Mr. MORIN. I yield three minutes to the lady from California [Mrs. KAHN].

The CHAIRMAN. The lady from California is recognized for three minutes.

Mrs. KAHN. Mr. Chairman and members of the committee, I think the gentlemen who are so deeply interested in the arsenals are unduly alarmed. I am sure there is no disposition on the part of the War Department to curtail in any way the work being done by the arsenals. But in case of emergency, time is the great factor. No matter how desirous you are of expanding your arsenals, you simply can not do it in an emergency rapidly or efficiently enough to supply all the country will need. It would be a physical impossibility.

I think this bill is a real step in advance in our national defense. We are not making millionaires out of these manufacturers. We will divide \$1,000,000 among them yearly for five years, so that in cases of emergency they will have the proper tools to adapt to their machinery in order to make certain articles of munitions. For example, we may give Dodge Bros. a contract or we may give the New Britain Tool Co. a contract. Why? So that in case of necessity we can shoot out to them the jigs, dies, and tools they have made and which are fitted for their machinery and which we have kept in our arsenals for just such an emergency. They will have their workmen, which they have trained, their organization, which they can expand, and they can go to work without loss of time. It is simply a matter of precaution, and \$1,000,000 expended now will be worth \$50,000,000 or \$500,000,000 in case of emergency. [Applause.]

Mr. GARRETT of Texas. Mr. Chairman, I yield five minutes to the gentleman from New York [Mr. LaGuardia].

Mr. LaGUARDIA. Mr. Chairman and gentlemen of the committee, I am sure the sponsors of this bill claim no originality in the idea. This scheme is not new. It has been tried and put into practice. Only a few days ago I read the statement made by the man who is the original author of this plan, and he says he rues the day that he originated it. The original author of this plan was General Ludendorff, the quartermaster general of the Imperial Army of Kaiser Wilhelm. It is Ludendorff's idea that you have written into this bill. The German plan contemplated the giving of so-called educational orders just as this bill provides under the control of the quartermaster general of the imperial army, so that every factory in Germany and every toy factory was convertible into a factory for the production of munitions.

Now, gentlemen, I do not in the least doubt the good faith of the War Department, but we must take human nature into consideration. We must apply the experience we acquire here every day. Just picture this bill three years from now. When the factory in New Britain has had its order, as suggested by the distinguished and charming lady from California, then the Dodge factory, as some one else suggested, then other orders will be given out, and then the gentleman from South Carolina will want an order for some one in his district. I can picture the stampede to get in every annual appropriation bill. So it will become the greatest log-rolling bill we have ever had. Why, talk about the rivers and harbors bill in the old days and talk about your public buildings omnibus bill, why they will be nothing in comparison with this bill. If you will think about those bills you will realize what you will be up against in this bill if enacted into law.

The statement made by the gentleman from Indiana [Mr. Wood] is unanswerable. He is right at the helm; he is right in the Committee on Appropriations and he knows and speaks from experience. He knows the pressure that will be brought to bear. Then what are we going to do after we have these factories educated? After we have whetted their appetites they will say, "Give us orders," and then the gentleman from Pennsylvania will have to go out and look for a war to keep the factories busy. Anything for business. I believe in taking profits out of war. That is the tendency of the day. This bill is only an advance salesman to put more profits in war.

Mr. COOPER of Wisconsin. Will the gentleman yield for a brief question?

Mr. LaGUARDIA. Certainly.

Mr. COOPER of Wisconsin. It has been said repeatedly that this is a matter of preparing for an emergency. Does the gentleman know why this bill, having been introduced on the 5th of December, 1927, is not brought to the floor of the House until the last week of the present Congress, when the rules are suspended?

Mr. LaGUARDIA. The gentleman knows from his many years of experience in the House that it is the hope that in the confusion of the last days of the Congress you can get a bill like this through. It is hoped that when we are all occupied in

trying to get our own bills through, when there is confusion, haste, hurry, and pressure something like this can squeeze through. I will say that when Ludendorff first applied it it was a very innocent looking thing, but the results we saw in 1914.

Now, gentlemen, it is not a matter of preparedness at all. There is no matter of emergency. To listen to some of the gentlemen, who are on the Committee on Military Affairs, you would think we were facing an emergency within 24 hours. I do not believe there is the slightest or remotest danger now of any emergency unless we go out and look for it, and it behooves us not to look for it. It seems to me that with our natural resources and holding the position we hold in the world to-day, we should assume leadership in the movement for world peace and not set a bad example by passing legislation like this.

The CHAIRMAN. The time of the gentleman from New York has expired.

Mr. MORIN. Mr. Chairman, I yield five minutes to the gentleman from Tennessee [Mr. FISHER].

Mr. FISHER. Mr. Chairman, ladies and gentlemen of the committee, if there had been a law like this enacted by the Congress several years before the declaration of war in 1917 and in force in our country, there would have been a very different story to tell.

Those that followed our country throughout the war all remember that we were ashamed of our shortage in military supplies; we had particularly an inadequate supply of airplanes, and throughout the war and not until the armistice, did we get in shape where we could ship airplanes or all the materials essential to the war in the quantities that were needed for the great army we had sent across the seas.

After the armistice was declared the question of the continuance of the airplane industry was a very vital one, but we saw day after day and year after year, since the war, that the airplane factories did not have customers and our own Army and Navy for a long time, too long, were using old, out-of-date airplanes which were dangerous to the fliers. We were not keeping alive the technical machinery or the technical laborers that are necessary. We became ashamed of our inadequacy in aviation.

There was developed a splendid spirit and the Congress greatly increased the appropriations to overcome this unfortunate situation. A 5-year program was established for the development of aviation for the Army, for the Navy, and for the Department of Commerce, with a generous gift from a millionaire to aid the Department of Commerce in its development of commercial aviation; also through offering prizes in the colleges of our country for inventions relating to aviation. But I want to say that even with this push by the Government with its millions of dollars of increased appropriations for an increased number of airplanes and increased forces in the services, I can not say how long it would have taken us to have filled the place we should have occupied in the world's history as a leader in aviation had it not been for the spectacular and daring flight of Colonel Lindbergh and the flights of others like Chamberlain and Byrd. Our country was thrilled and aviation has developed as it was never dreamed it would be developed in such a very short time.

To-day there are sections in our country where there are being built airplane factories in increasing numbers, sometimes as many as two during a month in order to supply the demand for planes both in this country and Europe.

There is not any hope that in respect to the demands of our Army for materials like the many kinds of guns, ammunition, clothes, shoes, and things of that kind, we will have a like thrill given so that we will get the technical machinery and the skilled men to do this sort of work so that the materials would be available in time of war.

Those who have talked with the men who were on the War Industries Board have heard them tell the story of the great trouble they had and the great distress they were in as to how they were going to get sufficient guns of the various types and how they were going to get a sufficient quantity of munitions. A particular case was as to how they were going to have manufactured new antiaircraft guns, a gun which had never before been manufactured. One of the members of the War Industries Board and an officer of the Army went to a manufacturer to get him to manufacture these machines in quantity production. He had a fine factory, but no machine that could make this particular gun. He was patriotic and wanted to do the work, but he did not even have the skilled men to manufacture them even if he had had the machinery. It took a long time to develop quantity production under such circumstances. It was found by experimentation and experience that these aircraft guns were not the kind they ought to have at all and the plans had to be entirely changed. After the war an entirely different type of aircraft gun was adopted. To

manufacture this new gun there is needed special machinery and skilled labor.

How are we to accomplish this purpose? We can not rely on the arsenals like the one at Rock Island with the small group of men there. They could only produce a small percentage of the needs. The experience and the genius that brings out great inventions do not always come from those in the Government service. We must reach out into the private industries of the country, interesting them, so if we ever again have to have a declaration of war we can have them ready to supply the demand. [Applause.]

Mr. GARRETT of Texas. Mr. Chairman, I yield three minutes to the gentleman from California [Mr. SWING].

Mr. SWING. Mr. Chairman, the gentleman from Tennessee [Mr. FISHER] thinks if we had had this bill in effect for a few years before the war the result of the war might have been more favorable. The gentleman overlooks the fact that far more than mere educational contracts had been given by the allies to the private industry of this country for more than three years before we got into the war.

The trouble is simply this: In this day and age of rapid advance in mechanics and chemistry, warfare as well as every other kind of industrial activity is progressing with such rapidity that the educational contract given to-day is of little value a few years from now. You may build your jigs and your dies, but five years from to-day most of them will be obsolete. They will be stored away somewhere in some storehouse, an expense to the Government. If the armies that went upon the fields of France and Belgium at the beginning of the war, armed as they were, had met another army armed as the armies were armed at the close of the war, your first army would have been wiped out as completely as though they had been armed with bows and arrows.

Mr. HUDSON. Will the gentleman yield?

Mr. SWING. I only have three minutes.

The trouble with this whole problem is that this great Government of ours, which has to-day made a record for business administration, is asked now to turn its back upon a fundamental principle of American business. When you let go of competitive bidding, you have no place where you can stop short of discrimination and favoritism.

I was glad that the chairman of the Committee on Appropriations rose to protest against this bill and all that it means. He has ably pointed out the waste of funds involved. Four years ago the same proposal was brought upon the floor, but it contained a proviso that these educational contracts could not be let in excess of 25 per cent of what the arsenals and shipyards could do the work for; in other words, 25 per cent over the actual cost; but to-day this bill contains no limitation at all, the sky is the limit, and any kind of a contract that the Secretary of War may see fit to give may be given at any kind of price that the industry may ask for it. [Applause.]

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. GARRETT of Texas. Mr. Chairman, I yield the four remaining minutes to the gentleman from Illinois [Mr. ALLEN].

Mr. ALLEN. Mr. Chairman and members of the committee, I am very much interested in this bill, not alone because the largest arsenal in our country is located in my district, but to me the economic question enters into it. The business side of this bill appeals to me with even less force than the fact that we will abandon the arsenals and allocate the orders with private manufacturers.

We have got the arsenals, they have been here for a long while. You will pardon me if I refer to the Rock Island Arsenal, which is the largest one in the United States, located on an island of 1,000 acres in the Mississippi River. A large business was transacted there before the war and great orders were turned out during the war, and a steady work was maintained there prior to the war.

In the Rock Island Arsenal they could manufacture to-day if they had the orders, airplanes, locomotives, guns, equipment of all kinds that they use in the war. And yet scarcely an order is allocated to the Rock Island Arsenal; the men that are maintained there are without any question of the highest type of mechanics we have in our country. There remain there groups of men who have been employed in the Rock Island Arsenal for 20, 30, and 40 years. It is their life, and these people do not understand the policy of our Government in turning its back in the way of orders for that magnificent and well-equipped arsenal. There are over 15 miles of railroad on the island; millions invested in equipment that belongs to the Government. It is your arsenal, it does not belong to Rock Island, it belongs to the people of this great country.

Mr. UPDIKE. Will the gentleman yield?

Mr. ALLEN. I yield.

Mr. UPDIKE. How many people are employed in the Rock Island Arsenal?

Mr. ALLEN. About 500 now, before the war about 1,500.

Mr. WILLIAM E. HULL. Will the gentleman yield?

Mr. ALLEN. I will.

Mr. WILLIAM E. HULL. Is it not true that they can manufacture war material at the arsenal cheaper than they can buy it elsewhere?

Mr. ALLEN. No doubt about that; they can manufacture airplanes to-day cheaper than they could be manufactured anywhere else. I think the name of this bill ought to be changed from an education bill to the incubator bill, starting war babies for the next war. [Laughter and applause.]

Mr. MORIN. Mr. Chairman, I yield the balance of my time to the gentleman from New Jersey [Mr. FORT].

Mr. FORT. Mr. Chairman and gentlemen of the committee, this bill has been before Congress in substantially its present form for fully three years, having been originally introduced by the Member from Massachusetts, Mrs. ROGERS. And for much of that time I have been looking somewhat into the matter because of general interest in the subject. It is true that we have adequate arsenals to manufacture the munitions of war at present needed. On that, there is no dispute. It is also true, however, that the arsenals of the Government are run under Government operation, with no independent check whatever as to the efficiency of these operations as compared to like operations in the hands of private enterprise. If this bill which appropriates \$1,000,000 a year as a maximum can produce for the Government of the United States cost sheets as is provided in the bill which will enable us to check the operations of the arsenals which are spending \$20,000,000 a year for munitions, it will be well worth the entire cost.

Mr. LETTS. Will the gentleman yield?

Mr. FORT. I yield.

Mr. LETTS. Is it not just as practical to have the cost sheets in the arsenal?

Mr. FORT. You then would have no comparison with what is done in the modern manufacturing establishments, which are developing the mass-production methods which American manufacturers have adopted generally, with a resulting efficiency such as has never been known in the world until within the last eight years. I say, as an abstract proposition, that the possible saving through improved efficiency in the arsenals would make well worth while the expenditure of \$1,000,000 a year for five years as a check against the \$20,000,000 a year the arsenals are now spending.

Mr. LETTS. Will the gentleman yield?

Mr. FORT. I am sorry; I have not the time. What are we going to get for this \$1,000,000 a year? Suppose you take the General Motors Corporation with its \$2,000,000,000 of business a year, or Henry Ford's tremendous industry, and place a \$200,000 order with them for some type of gun carriage. Suppose we give Edison an educational order for a sounding device. What are we buying for that? The best brains in America for that kind of a job. We could not buy those brains for the whole million dollars a year in any way except as a patriotic service to the Nation. We are buying efficient, trained engineering and chemical staffs. We are buying the knowledge of alloys, we are buying the scientific knowledge of the staffs of those great enterprises, so that, if a war should come, those trained experts will know when they come to us in the emergency what they have found in their experimentation will improve the efficiency of our munitions and our other accessories. Take the item testified to in the hearings in respect to searchlights. Have we any men in the service of the Government or in our arsenals who have made the detailed, intensive study of the qualities of glass that have been made in our great glass plants?

Mr. SWING. Mr. Chairman, does the gentleman ask that question for an answer?

Mr. FORT. Yes.

Mr. SWING. The indestructible glass was discovered and perfected out here at the Bureau of Standards by a United States expert.

Mr. FORT. I know that to be the fact, but we are not working as they are day after day in great glass factories in America, to perfect the carrying quality of the light ray through glass. We are not working in our arsenals or anywhere else, and we could not without enormously increasing our arsenal appropriations, to improve the ordinary pieces of metal, the ordinary pieces of glass. These great plants with these educational orders will give to the Government of the United States a benefit worth to it, in one single munition which it may have them make, more than it could buy for millions a year, or develop through its own experts, who are not doing that kind of work. [Applause.]

The CHAIRMAN. The time of the gentleman has expired.

All time has expired, and the Clerk will read the bill for amendment.

The Clerk read as follows:

Be it enacted, etc., That the second sentence of the second paragraph of section 5a of the national defense act, approved June 4, 1920, be, and the same is hereby, amended by striking out the period at the end of the sentence, inserting a colon and the following:

Mr. MORIN. Mr. Chairman, I move that the committee do now rise.

The motion was agreed to.

Accordingly the committee rose; and the Speaker having resumed the chair, Mr. KELLY, Chairman of the Committee of the Whole House on the state of the Union, reported that that committee had had under consideration the bill (H. R. 450) to amend section 5a of the national defense act, approved June 4, 1920, providing for placing educational orders for equipment, etc., and for other purposes, and had come to no resolution thereon.

NAVY APPROPRIATION BILL—CONFERENCE REPORT

Mr. FRENCH. Mr. Speaker, I present a conference report upon the bill H. R. 16714, making appropriations for the Navy Department and naval service for the fiscal year ending June 30, 1930, and for other purposes, for printing under the rules.

PAY CLERKS AND ACTING PAY CLERKS, UNITED STATES NAVY

Mr. HOUSTON of Hawaii. Mr. Speaker, the House yesterday passed a bill (H. R. 14923) to amend the Navy appropriation act for the fiscal year ending June 30, 1916, relative to the appointment of pay clerks and acting pay clerks, with an amendment. The effect of the amendment was to quote incorrectly the present statute. I ask unanimous consent to vacate the proceedings by which the bill was passed in order that the proper amendment may be inserted.

The SPEAKER. The gentleman from Hawaii asks unanimous consent to vacate the proceedings by which the bill H. R. 14923 was passed yesterday in order to make the correct amendment. The Clerk will report the bill.

The Clerk read the title of the bill.

The SPEAKER. Is there objection?

There was no objection.

The SPEAKER. The Clerk will report the correct amendment.

The Clerk read as follows:

Amendment offered by Mr. HOUSTON of Hawaii: Page 2, line 10, after the word "acting," strike out the words "or permanent."

The SPEAKER. The question is on agreeing to the amendment.

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DISTRICT JUDGE, NORTHERN DISTRICT OF MISSISSIPPI

Mr. GRAHAM. Mr. Speaker, I move to suspend the rules and pass the bill (S. 1965) to authorize the appointment of a district judge for the northern district of Mississippi, which I send to the desk and ask to have read.

The SPEAKER. The gentleman from Pennsylvania moves to suspend the rules and pass the bill (S. 1965), which the Clerk will report.

The Clerk read as follows:

Be it enacted, etc., That the President is hereby authorized to appoint, by and with the advice and consent of the Senate, a judge of the District Court of the United States for the Northern District of Mississippi, who shall reside in such district and whose compensation, duties, and powers shall be the same as now provided by law for other district judges.

Sec. 2. Upon the appointment of such judge, the present judge of the District Courts of the United States for the Northern and Southern Districts of Mississippi shall be the judge of the District Court of the United States for the Southern District of Mississippi. Such judge for the southern district of Mississippi shall reside in such district.

The SPEAKER. Is a second demanded?

Mr. SCHAFER. I demand a second.

Mr. GRAHAM. Mr. Speaker, I ask unanimous consent that a second be considered as ordered.

The SPEAKER. The gentleman from Pennsylvania asks unanimous consent that a second be considered as ordered. Is there objection?

There was no objection.

Mr. SCHAFER. Mr. Speaker, will the gentleman yield?

Mr. GRAHAM. Yes.

Mr. SCHAFER. I just want to get a bit of information. Has the Committee on the Judiciary, by unanimous vote, recommended favorable action on this bill?

Mr. GRAHAM. They have.

The SPEAKER. The question is on the motion of the gentleman from Pennsylvania to suspend the rules and pass the bill.

The question was taken; and two-thirds having voted in the affirmative, the rules were suspended and the bill was passed.

MAKING THE UNITED STATES A PARTY DEFENDANT IN CERTAIN CASES

Mr. GRAHAM. Mr. Speaker, I call up the conference report on the bill (H. R. 13981) to permit the United States to be made a party defendant in certain cases and ask that it be agreed to. The conferees have reached a complete agreement.

The SPEAKER. The gentleman from Pennsylvania calls up the conference report on the bill H. R. 13981, which the Clerk will report.

The Clerk read the conference report, as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill H. R. 13981 having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the House recede from its disagreement to the amendment of the Senate numbered one and agree to the same with an amendment as follows:

Strike out section 4 of the matter proposed to be inserted by said amendment and renumber sections, and the House agree to the same.

GEO. S. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.
G. W. NORRIS,
T. J. WALSH,
C. W. WATERMAN,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the Senate to the bill H. R. 13981 submit the following written statement explaining the effect of the action agreed on by the conference committee and submitted in the accompanying conference report:

By the Senate amendment the United States consents to be made a party to all litigation either in the Federal or State courts to unfetter real estate from Government liens.

The conferees on the part of the House were satisfied that the Senate amendment would effectuate the objects of the House bill just as well as the provisions of the House bill itself, with one exception; that was the fourth section of the Senate amendment, which seemed to the conferees to impose an unusual and unnecessary delay upon the foreclosure and sale under the bill. The House conferees presented their objections to this paragraph, and the Senate agreed to recede.

GEO. S. GRAHAM,
L. C. DYER,
HATTON W. SUMNERS,
Managers on the part of the House.

The SPEAKER. The question is on agreeing to the conference report.

Mr. GARRETT of Tennessee. Mr. Speaker, did the gentleman ask unanimous consent to take up the conference report?

The SPEAKER. He called up the conference report.

Mr. GARRETT of Tennessee. When was it filed?

Mr. GRAHAM. This morning. This is within the last 6-day limit, when under the rule conference reports need not be filed in advance.

The SPEAKER. The question is on agreeing to the conference report.

The conference report was agreed to.

LOAD LINES FOR AMERICAN VESSELS

Mr. WHITE of Maine. Mr. Speaker, I present a conference report for printing under the rule.

The SPEAKER. The gentleman from Maine presents a conference report on the bill (S. 1781). Ordered printed under the rule.

The conference report and accompanying statement are as follows:

CONFERENCE REPORT

The committee of conference on the disagreeing votes of the two Houses on the amendments of the House to the bill (S. 1781) to establish load lines for American vessels, and for other purposes, having met, after full and free conference have agreed to recommend and do recommend to their respective Houses as follows:

That the Senate recede from its disagreement to the amendments of the House numbered 1, 2, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, and 46, and agree to the same.

Amendment numbered 3: That the Senate recede from its disagreement to the amendment of the House numbered 3, and agree to the same with an amendment as follows: Restore the word "foreign," and at the end of line 8, page 1, change the period to a comma and insert the words "the Great Lakes excepted." and on page 2, at the end of line 3, change the period to a comma and insert the words "the Great Lakes excepted." and the House agree to the same.

Amendment numbered 45: That the Senate recede from its disagreement to the amendment of the House numbered 45, and agree to the same with an amendment as follows: In lieu of the matter proposed to be inserted by said amendment insert the following:

"Sec. 9. The Secretary of Commerce is directed to make a comprehensive study of load-line legislation in the coastwise and intercoastal trade and the Great Lakes, and all types of vessels, and shall submit his report to the Houses of Congress in the month of December, 1929, accompanying such report with tentative draft of a bill to effectuate the recommendations embodied in said report."

And the House agree to the same.

WALLACE H. WHITE, JR.,
FREDERICK R. LEHLBACH,
A. M. FREE,
EWING L. DAVIS,
S. O. BLAND,
Managers on the part of the House.
W. L. JONES,
CHAS. L. McNARY,
JOS. E. RANSEDELL,
Managers on the part of the Senate.

STATEMENT

The managers on the part of the House at the conference on the disagreeing votes of the two Houses on the amendments of the House to the bill S. 1781, "An act to establish load lines for American vessels, and for other purposes," submit the following written statement explaining the effect of the action agreed on by the conference committee:

Of the 46 amendments adopted by the House, the Senate has receded from its disagreement with respect to 44 and has agreed to the same.

On amendment No. 3 the Senate has receded from its disagreement and agreed to the same with an amendment. In the form in which the amendment now appears, section 1 of the bill applies only to vessels engaged in the foreign trade, those on the Great Lakes excepted. This change is effected by the restoration of the word "foreign," in line 8 of page 1, and by the addition of the words "the Great Lakes excepted," after the word "sea," in line 8, on page 1, and after the word "sea," in line 2, page 2.

The Senate receded from its disagreement to the amendment of the House No. 45, and agreed to the same with an amendment in the following terms:

"Sec. 9. The Secretary of Commerce is directed to make a comprehensive study of load-line legislation in the coastwise and intercoastal trade and the Great Lakes, and all types of vessels, and shall submit his report to the Houses of Congress in the month of December, 1929, accompanying such report with tentative draft of a bill to effectuate the recommendations embodied in said report."

The House conferees have agreed to this change. They did so only when convinced that the retention of section 9 in the form in which it was passed by the House meant that no load-line legislation would be adopted at this Congress. The House conferees were satisfied beyond a doubt that its alternatives were to secure a load line law for vessels in our foreign trade only or no legislation. They felt it their duty to save of this legislation what they could. As evidence of the attitude of the House conferees and of the views of the Senate conferees the following vote was adopted unanimously by the conferees:

"On motion, voted that it is the sense of the conferees on the part of the Senate and of the House that load-line legislation

should be made applicable to all vessels of the United States of over 250 tons, including those operating in the foreign trade, making a voyage by sea in the coastwise and intercoastal trade or on the Great Lakes; that the conferees have agreed to a report applying the load line only to vessels engaged in the foreign trade because of the parliamentary situation and the apparent impossibility of procuring more comprehensive legislation during the present Congress; and that the conferees advise that they will support and undertake to procure the passage of legislation in the next Congress applying load lines to all of the classes of vessels above enumerated."

WALLACE H. WHITE, JR.,
FREDERICK R. LEHLBACH,
ARTHUR M. FREE,
ERWIN L. DAVIS,
S. O. BLAND,

Managers on the part of the House.

AMENDMENT OF THE NATIONAL PROHIBITION ACT

Mr. SNELL. Mr. Speaker, I present a privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents a privileged report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

House Resolution 343

Resolved, That upon the adoption of this resolution it shall be in order to move that the House resolve itself into the Committee of the Whole House on the state of the Union for the consideration of (S. 2901) an act to amend the national prohibition act, as amended and supplemented. That after general debate, which shall be confined to the act and shall continue not to exceed one hour, to be equally divided and controlled by those favoring and opposing the act, the act shall be read for amendment under the 5-minute rule. At the conclusion of the reading of the act for amendment the committee shall rise and report the act to the House with such amendments as may have been adopted, and the previous question shall be considered as ordered on the act and the amendments thereto to final passage without intervening motion except one motion to recommit.

Mr. SNELL. Mr. Speaker, in answer to several inquiries, I expect to call that up to-morrow.

JOINT COMMITTEE TO INVESTIGATE RESPECTING THE RANK AND PAY OF THE ARMY, NAVY, MARINE CORPS, COAST GUARD, COAST SURVEY, AND PUBLIC HEALTH SERVICE

I present another privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents another privileged report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

House Joint Resolution 430

Joint resolution (H. J. Res. 430) for the appointment of a joint committee of the Senate and House of Representatives to investigate the rank, promotion, pay, and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service.

Resolved, etc., That a joint committee, to be composed of five Members of the Senate, to be appointed by the Vice President, and five Members of the House of Representatives, shall make an investigation and report recommendations by bill or otherwise to their respective Houses, relative to the rank, promotion, pay, and allowances of the commissioned and enlisted personnel of the several services mentioned in the title of this joint resolution.

JOINT COMMITTEE TO COOPERATE WITH THE NEW BERN HISTORICAL SOCIETY, NORTH CAROLINA

Mr. SNELL. Mr. Speaker, I present another privileged report from the Committee on Rules.

The SPEAKER. The gentleman from New York presents another privileged report from the Committee on Rules. The Clerk will report it.

The Clerk read as follows:

House Concurrent Resolution 60

Resolved by the House of Representatives (the Senate concurring), That the President of the Senate be authorized to appoint three Senators and the Speaker of the House to appoint three Members of the House of Representatives to cooperate with the New Bern Historical Society and a committee of the North Carolina Legislature in the observance of certain historical events which occurred during the Colonial and Revolutionary period at New Bern, N. C.

EDITH BOLLING WILSON

Mr. MONTAGUE. Mr. Speaker, I ask unanimous consent that the Senate bill 4276 be taken from the Speaker's table and passed under suspension of the rules.

The SPEAKER. The Chair can not recognize the gentleman to move to suspend the rules. The gentleman can ask unanimous consent.

Mr. MONTAGUE. It is a bill to grant a pension to Edith Bolling Wilson. It was unanimously reported by the committee. I ask unanimous consent for its present consideration.

The SPEAKER. The gentleman from Virginia asks unanimous consent for the present consideration of the bill, which the Clerk will report.

The Clerk read as follows:

A bill (S. 4276) granting a pension to Edith Bolling Wilson *Be it enacted*, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll the name of Edith Bolling Wilson, widow of Woodrow Wilson, late President of the United States, and to pay her a pension at the rate of \$5,000 per year from and after the passage of this act.

The SPEAKER. Is there objection?

There was no objection.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SPEAKER PRO TEMPORE

The SPEAKER. The Chair designates the gentleman from New York [Mr. SNELL] to act as Speaker pro tempore this evening.

THE CONGRESSIONAL RECORD

Mr. BOYLAN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD by publishing a letter I have received in connection with my campaign to rejuvenate the CONGRESSIONAL RECORD and also a poem accompanying the same.

The SPEAKER. The gentleman from New York asks unanimous consent to extend his remarks in the RECORD by printing a letter and a poem. Is there objection?

There was no objection.

Mr. BOYLAN. Mr. Speaker, in connection with my campaign to rejuvenate the RECORD, I received the following letter-poem, which I include under permission granted me to extend my remarks, as follows:

TAKOMA PARK, Md., February 26, 1929.

Congressman BOYLAN,

Washington, D. C.

HONORABLE SIR: With pleasure, commensurate with the timeliness of the resolution offered by yourself in the House of Representatives on February 22, I have read your able and urgent appeal, looking to the revision, beautification, and improvement, otherwise, of the CONGRESSIONAL RECORD, so as to widen its distribution, broaden its influence, and deepen its effectiveness upon the American mind.

With one particular end in view, a by-product of your own great aim—one which I prefer especially to stress—I am enclosing a series of related verses, entitled "Poet Laureate of America," trusting that you may see fit to have them printed in the CONGRESSIONAL RECORD, or, better still, have them read on the floor of the House, if you feel so disposed.

In addition to the daily doings of Congress, the CONGRESSIONAL RECORD should carry daily the pictures of the President and his cabinet officials, the justices of the Supreme Court, and the Members of both Houses of Congress—most of whom multiplied millions of the American people have never seen—and, as suggested in your resolution, it might be made yet more interesting, and thereby more instructive, by the daily creations of the best cartoonist to be had, and by the adoption of other modern accessions which have made the newspapers of to-day the greatest and most far-reaching educators in all the world.

Respectfully,

HORACE C. CARLISLE.

POET LAUREATE OF AMERICA

By Horace C. Carlisle

Everybody who reads the CONGRESSIONAL RECORD

Reads the widest-read daily, perhaps, in the world,

For it carries, verbatim, the doings of Congress

Wheresoever the Stars and the Stripes are unfurled—

And it ought to be read by a sovereign people

In whom all the great powers of sovereignty dwell—

For Americans justly have boasted their freedom

Ever since independence rang liberty's bell.

But from that day to this there has one thing been lacking—
 With the volumes of poems that have sung her renown
 As a nation, our Congress has chosen no poet
 Yet to wear the unworn poet laureate's crown.
 On its blank cover page, now subserving no purpose,
 The CONGRESSIONAL RECORD might carry each day
 A short poem, effervescing with dynamic power,
 To America's heart in a national way.

What a great opportunity for a real service!
 Like Niagara's waters, now running to waste!
 On this now wasted page a nonpartisan poem
 Of American interest ought to be placed.
 Who can say that this page was not left for this purpose,
 In accord with the infinite's unquestioned plan,
 Until He, in His wisdom, could properly fashion
 For this wonderful service a suitable man?

This poetical page should give daily a picture
 Of some pertinent phase of American life,
 And help crystallize sentiment throughout the country,
 In these days of distrust and distraction and strife.
 It should soften the hearts of divergency's factions,
 In the North and the South and the East and the West,
 And should seek a solution to national problems—
 And point up, past the better, always toward the best.

And when death calls a man from the House or the Senate,
 Or from any high office of national trust,
 This poetical page, in appropriate sweetness,
 As it sadly commends his dead form to its dust,
 Might express the great heart of a sorrowing people,
 As they inwardly weep o'er their visible loss,
 And remind a wide world that the man or the woman
 Who would win a real crown must first bear a real cross.

May we hope that, some day, the CONGRESSIONAL RECORD
 Will of this wasted page make a real beauty spot,
 Where the roses of truth and the laurels of honor
 May engender a fragrance that can't be forgot—
 And reflect, in poetical beauty and splendor,
 'Neath the stars and the stripes of Old Glory unfurled,
 Our American life, in its manifold fullness,
 To the multiplied millions all over the world.

STATE TAXATION OF NATIONAL BANKS

Mr. McFADDEN. Mr. Speaker, I ask unanimous consent to extend my remarks in the RECORD on the bank-tax question.

The SPEAKER. Without objection it is so ordered.
 There was no objection.

Mr. McFADDEN. Mr. Speaker, there having been so many inquiries during the past sessions of Congress relative to the question of amending the law effecting the State taxation of national banks, in view of the fact that there can now be no action by Congress at this session I deem it advisable to give expression to my own personal views on this important subject.

The bills H. R. 8727 and H. R. 14001 would permit the State taxation of national-bank shares at no "greater rate than that assessed within the taxing district of the bank's location upon real estate used for mercantile or like business purposes," nor higher than is assessed upon shares of corporations engaged in the business of receiving deposits subject to check or the capital of individuals likewise employed in that business.

From the very inception of the permission by Congress to the States to tax national bank shares and in making subsequent amendments thereto, Congress has recognized the fact that to allow a tax classification of national bank shares with only a very limited part of the moneyed capital competing with banks would not safeguard the national banks against excessive taxation by the States.

It is well known that there is a vast amount of moneyed capital competing with banks outside of that employed in the business of receiving deposits subject to check. Under the proposed legislation it is alleged that such moneyed capital could be favored and national banks discriminated against.

The Comptroller of the Currency, in his 1928 annual report to Congress, says of this pending legislation "that I feel it my duty to call the matter to the attention of the Congress and recommend that none of these bills be enacted into law." The report further states:

It is contended by the State tax authorities interested in the passage of such bills that since the States would not impose an undue burden of taxation on their own State banks that national banks would be amply protected. While the State tax authorities are undoubtedly sincere in their contentions, the fact remains that under such bills the States would have the right to place an undue burden upon national banks and upon their own banks to such an extent as would make

banking unprofitable or at least burdensome, which in the last analysis is the right to destroy a Federal instrumentality.

It is not merely a question of what the States might do, if unchecked, to national and State banks alike. It is a matter of history that present attempts have been made to discriminate against banks and in favor of moneyed capital in the hands of individuals used in active competition with the banks. In the many cases which have come before the courts it has been proved to the satisfaction of the courts that the States, by discriminatory taxation, have allowed individuals, finance companies, and other groups engaged in the lending of money to escape with taxes from one-half to one-tenth of the tax imposed upon banks. If the national banking system is to survive, it must have more substantial protection than the mistaken supposition that the States will be concerned for its welfare.

In 1923 and 1926 amendments to section 5219 provide for four exclusive alternative methods for the State taxation of national banks, as follows:

(1) Taxation of the shares, but at no "greater rate than is assessed upon moneyed capital in the hands of individual citizens of such State coming into competition with the business of national banks."

(2) Taxation of the dividends or their inclusion in the taxable income of an owner or holder, but not at a greater rate than is assessed upon the net income from other moneyed capital.

(3) Taxation of the net taxable income of the banks themselves, but at no greater rate than provided in (4).

(4) Taxation of the banks themselves, "according to or measured by their net income," from all sources, "but the rate shall not be higher than the rate assessed upon other financial corporations nor higher than the highest of the rates assessed by the taxing State upon mercantile, manufacturing, and business corporations doing business within its limits."

Practical application of the above alternative methods has been satisfactorily demonstrated.

Those States adhering to the general property tax apply the share-tax method, as they have been doing for over 60 years. Low rate intangible-tax States can, as Pennsylvania has done for over 40 years, tax national-bank shares at the same rate as other intangibles or else adopt the net-income methods under the third and fourth alternatives. Wisconsin is taxing its banks under the net-income tax, the third alternative. Massachusetts and New York have adopted the fourth alternative and tax their banks "according to or measured by" their net income from all sources. California, under a recent constitutional amendment, will also presently follow Massachusetts and New York.

Under the fourth alternative method which is in effect an excise tax, any State, regardless of its present system of taxation, may tax its national banks directly upon net income from all sources, providing only that the rate—i. e., the tax burden—shall not be higher than the rate—i. e., the tax burden—assessed upon other financial corporations—which includes State banks—nor higher than the highest of the rates—i. e., the tax burden—assessed by the taxing State upon mercantile, manufacturing, and business corporations.

In the face of the plain duty of Congress to safeguard the national banks against discrimination in taxation, the bars of protection as now established under section 5219 can not, in the opinions heretofore expressed and made of record, be lowered. The States are afforded the fullest opportunity to tax national banks fairly, and it is for State legislatures to mold their bank tax laws according to the general rules prescribed by Congress which, of necessity, must consider the subject from the broad standpoint of the Federal Government and of all the States. It is manifestly impossible to vary a national standard in order to meet the peculiarities of a few State taxing systems. Taking the country as a whole, the earnings of national banks do not warrant permission to States to tax them at a greater rate than they tax the same kind of property as that in which national banks employ their funds nor more than they impose upon financial, mercantile, manufacturing, and business corporations.

FURTHER MESSAGE FROM THE SENATE

A further message from the Senate by Mr. Craven, its principal clerk, announced that the Senate had passed without amendment bills of the House of the following titles:

H. R. 1993. An act to correct the naval record of William E. Adams;

H. R. 2474. An act for the relief of the San Francisco, Napa, & Calistoga Railway;

H. R. 2486. An act for the relief of Andrew Jackson Seward, jr., deceased;

H. R. 4770. An act for the relief of Lieut. Timothy J. Mulcahy, Supply Corps, United States Navy;

H. R. 5286. An act for the relief of J. H. Sanborn;
 H. R. 5287. An act for the relief of Etta C. Sanborn;
 H. R. 5288. An act for the relief of William F. Kallweit;
 H. R. 5289. An act for the relief of Loretta Kallweit;
 H. R. 5758. An act amending the act approved May 4, 1926, providing for the construction and maintenance of bathing pools or beaches in the District of Columbia;
 H. R. 5952. An act for the relief of Robert Michael White;
 H. R. 9009. An act for the relief of Francis Leo Shea;
 H. R. 10238. An act for the relief of Lieut. L. A. Williams, Supply Corps, United States Navy;
 H. R. 10657. An act to authorize the assessment of levee, road, drainage, and other improvement-district benefits against certain lands, and for other purposes;
 H. R. 10957. An act to amend the act entitled "An act for the relief of contractors and subcontractors for the post offices and other buildings and work under the supervision of the Treasury Department, and for other purposes," approved August 25, 1919, as amended by act of March 6, 1920;
 H. R. 11406. An act to consolidate or acquire alienated lands in Lassen Volcanic National Park, in the State of California, by exchange;
 H. R. 12339. An act authorizing the Secretary of the Interior to grant a patent to certain lands to Joseph M. Hancock;
 H. R. 12390. An act for the relief of Frank C. Messenger;
 H. R. 12409. An act to grant to the city of Fort Wayne, Ind., an easement over certain Government property;
 H. R. 12638. An act for the relief of David A. Wright;
 H. R. 12666. An act for the relief of William S. Shacklette;
 H. R. 13632. An act for the relief of Ruth B. Lincoln;
 H. R. 13658. An act for the relief of Hugh Anthony McGuigan;
 H. R. 13721. An act for the relief of Edwin I. Chateauf;
 H. R. 13812. An act for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy;
 H. R. 13957. An act to repeal certain provisions of law relating to the Federal building at Des Moines, Iowa;
 H. R. 14148. An act to amend the act of May 17, 1928, entitled "An act to add certain lands to the Missoula National Forest, Mont.";
 H. R. 14457. An act validating certain conveyances heretofore made by Central Pacific Railway Co., a corporation, and its lessee, Southern Pacific Co., a corporation, involving certain portions of right of way, in and in the vicinity of the city of Lodi, and near the station of Acampo, all in the county of San Joaquin, State of California, acquired by Central Pacific Railway Co., under the act of Congress approved July 1, 1862 (vol. 12, U. S. Stats. L. 489), as amended by the act of Congress approved July 2, 1864 (vol. 13, U. S. Stat. L., 356);
 H. R. 14472. An act to extend the time for completing the construction of a bridge across the Mississippi River at or near the city of Vicksburg, Miss.;
 H. R. 15201. An act to extend the times for commencing and completing the construction of a bridge across the Ohio River at or near Maysville, Ky., and Aberdeen, Ohio;
 H. R. 15330. An act authorizing the acceptance by the United States Government, from the Woman's Relief Corps, auxiliary to the Grand Army of the Republic, of proposed gift of bronze tablets to be placed in Andersonville National Cemetery in Georgia;
 H. R. 15382. An act to legalize a trestle, log dump, and boom in Henderson Inlet near Chapman Bay, about 7 miles northeast of Olympia, Wash.;
 H. R. 15468. An act to repeal the provisions of law authorizing the Secretary of the Treasury to acquire a site and building for the United States subtreasury and other governmental offices at New Orleans, La.;
 H. R. 15577. An act to authorize the Secretary of the Navy to dispose of material to the sea scout department of the Boy Scouts of America;
 H. R. 15651. An act for the relief of Leonidas L. Cochran;
 H. R. 15700. An act for the relief of the heirs of William W. Head, deceased;
 H. R. 15714. An act to extend the times for commencing and completing the construction of a bridge across the Ocmulgee River at or near Fitzgerald, Ga.;
 H. R. 15724. An act to authorize the Secretary of the Interior to exchange certain lands within the State of Montana, and for other purposes;
 H. R. 15727. An act to relinquish all right, title, and interest of the United States in certain lands in the State of Washington;
 H. R. 16026. An act to extend the times for commencing and completing the construction of a bridge across the Missouri River at or near Randolph, Mo.;
 H. R. 16274. An act to provide for the establishment of a municipal center in the District of Columbia;

H. R. 16565. An act authorizing the Hawesville & Cannelton Bridge Co., its successors and assigns, to construct, maintain, and operate a bridge across the Ohio River at or near Cannelton, Ind.;

H. R. 16612. An act granting the consent of Congress for the construction of a dam or dams in Neches River, Tex.;

H. R. 16661. An act to amend the act entitled "An act authorizing the paying of the Federal strip known as International Street adjacent to Nogales, Ariz.," approved May 16, 1928;

H. R. 16881. An act to approve, ratify, and confirm an act of the Philippine Legislature entitled "An act amending the corporation law, act No. 1459, as amended, and for other purposes," enacted November 8, 1928, approved by the Governor General of the Philippine Islands December 3, 1928; and

H. R. 16959. An act to extend the times for commencing and completing the construction of a bridge across the Mississippi River at or near Tiptonville, Tenn.

The message also announced that the Senate agrees to the amendments of the House to bills of the following titles:

S. 1168. An act to amend an act entitled "An act to authorize the collection and editing of official papers of the Territories of the United States now in the national archives," approved March 3, 1925;

S. 4528. An act authorizing the Secretary of the Interior to employ engineers and economists for consultation purposes on important reclamation work;

S. 4704. An act to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Tropic Everglades National Park in the State of Florida, and for other purposes;

S. 4778. An act authorizing the Moundsville Bridge Co. to construct a bridge across the Ohio River at or near the city of Moundsville, W. Va.; and

S. 5255. An act for the relief of the present and former postmasters and acting postmasters, and for other purposes.

The message also announced that the Senate concurs, with amendments, in the concurrent resolution of the House (H. Con. Res. 37) to print 3,000 additional copies of the hearings during the Sixty-ninth Congress on the bill (H. R. 7895) relating to the stabilization of the price level of commodities.

The message also announced that the Senate had passed bills of the following titles, in which the concurrence of the House is requested:

S. 5766. An act for the relief of Andrew T. Bailey; and

S. 5776. An act for the relief of Wynona A. Dixon.

The message also announced that the Senate disagrees to the amendments of the House to the bill (S. 4385) entitled "An act to establish the Teton National Park in the State of South Dakota, and for other purposes," requests a conference with the House on the disagreeing votes of the two Houses thereon, and appoints Mr. NORBECK, Mr. NYE, and Mr. KENDRICK to be the conferees on the part of the Senate.

The message also announced that the Senate agrees to the amendment of the House to the title of the bill (S. 4517) entitled "An act appropriating tribal funds of Indians residing on the Klamath Reservation, Oreg., to pay expenses of the general council and business committee, and for other purposes."

ENROLLED BILLS SIGNED

Mr. CAMPBELL, from the Committee on Enrolled Bills, reported that that committee had examined and found truly enrolled bills of the House of the following titles, which were thereupon signed by the Speaker:

H. R. 4266. An act for the relief of certain officers and former officers of the Army of the United States, and for the settlement of individual claims approved by the War Department;

H. R. 8295. An act for the appointment of an additional circuit judge for the ninth judicial circuit;

H. R. 11360. An act to authorize the Secretary of the Interior to convey or transfer certain water rights in connection with the Boise reclamation project;

H. R. 13831. An act granting the consent of Congress to the Momence conservancy district, its successors and assigns, to construct, maintain, repair, and improve a dam across the Kankakee River at Momence, in Kankakee County, Ill.;

H. R. 15712. An act making appropriations for the military and nonmilitary activities of the War Department for the fiscal year ending June 30, 1930, and for other purposes;

H. R. 16274. An act to provide for the establishment of a municipal center in the District of Columbia;

H. R. 16656. An act providing for retired pay for certain members of the former Life Saving Service equivalent to retired pay granted to members of the Coast Guard; and

H. R. 16658. An act to amend sections 116, 118, and 126 of the Judicial Code, as amended, to divide the eighth judicial

circuit of the United States, and to create a tenth judicial circuit.

The SPEAKER announced his signature to enrolled bills and joint resolutions of the Senate of the following titles:

S. 2068. An act for the relief of certain officers of the Dental Corps of the United States Navy;

S. 3198. An act to amend the act of March 3, 1915, granting double pension for disability from aviation duty, Navy or Marine Corps, by inserting the word "Army," so as to read: "Army, Navy, and Marine Corps";

S. 3590. An act to amend section 110 of the Judicial Code;

S. 3770. An act authorizing the Federal Power Commission to issue permits and licenses on Fort Apache and White Mountain Indian Reservations, Ariz.;

S. 3936. An act to regulate the practice of the healing art to protect the public health in the District of Columbia;

S. 4063. An act to amend certain sections of the teachers' salary act, approved June 4, 1924, and for other purposes;

S. 4087. An act authorizing the use of certain land owned by the United States in the District of Columbia for street purposes;

S. 4691. An act to extend the provisions of section 18a of an act approved February 25, 1920 (41 Stat. 437), to certain lands in Utah, and for other purposes;

S. 5014. An act authorizing the Secretary of the Interior to issue to the city of Bozeman, Mont., a patent to certain public lands;

S. 5073. An act to amend the act of Congress of June 26, 1906, entitled "An act for the protection of the fisheries of Alaska, and for other purposes";

S. 5193. An act to authorize the President of the United States to appoint an additional judge of the District Court of the United States for the Middle District of the State of Pennsylvania;

S. 5621. An act to repeal paragraphs 127 and 128 of the act entitled "An act to discontinue certain reports now required by law to be made to Congress," approved May 29, 1928;

S. J. Res. 111. Joint resolution authorizing the acceptance of title to certain lands in the counties of Benton and Walla Walla, Wash., adjacent to the Columbia River bird refuge in said State, established in accordance with the authority contained in Executive Order No. 4501, dated August 28, 1926; and

S. J. Res. 206. Joint resolution to authorize the President of the United States to appoint a Yellowstone National Park boundary commission to inspect the areas involved in the proposed adjustment of the southeast, south, and southwest boundaries of the Yellowstone National Park.

RECESS

Mr. TILSON. Mr. Speaker, I move that the House now take a recess until 8 o'clock this evening.

The motion was agreed to; accordingly (at 5 o'clock and 12 minutes p. m.) the House stood in recess until 8 o'clock this evening.

EVENING SESSION

The House was called to order by the Speaker pro tempore (Mr. SNELL).

PRIVATE CALENDAR

The SPEAKER pro tempore. Under the unanimous-consent order bills unobjected to on the Private Calendar will be considered this evening, beginning at the star. The Clerk will call the first bill.

THOMAS F. SUTTON

The first business on the Private Calendar was the bill (H. R. 6884) for the relief of Thomas F. Sutton.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, I object.

Mr. DICKINSON of Missouri. Mr. Speaker, will the gentleman withhold his objection a moment?

Mr. ROWBOTTOM. Yes.

Mr. DICKINSON of Missouri. I do not know whether the gentleman has read this report or not.

Mr. ROWBOTTOM. Yes; the man was discharged from the Army for being an habitual drunkard.

Mr. DICKINSON of Missouri. No; the gentleman has the wrong bill in mind. There is nothing of that kind in the report. I know this man and no man stands higher in his community.

Mr. ROWBOTTOM. Mr. Speaker, I ask unanimous consent that we may pass this bill temporarily and return to it later.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

CHANCY L. MCINTYRE

The next business on the Private Calendar was the bill (H. R. 12498) granting an honorable discharge to Chancy L. McIntyre.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Chancy L. McIntyre, who was a member of Company —, Medical Department, Regular Army of the United States of America, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 2d day of March, 1926: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

In line 5, strike out the word "company" and the comma following, and amend the title.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS F. SUTTON

Mr. ROWBOTTOM. Mr. Speaker, I ask unanimous consent that we return to Calendar No. 848, the first bill called, and I withdraw my objection.

The SPEAKER pro tempore. Without objection, it is so ordered, and the Clerk will report the bill.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas F. Sutton, who was a member of Company E, Sixth Regiment Tennessee Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 27th day of August, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 9, strike out "27th day of August, 1865," and insert in lieu thereof "17th day of September, 1862."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ADELAIDE (ADA) J. WALKER ROBBINS

The next business on the Private Calendar was the bill (H. R. 13866) for the relief of Adelaide (Ada) J. Walker Robbins.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged nurses, Adelaide (Ada) J. Walker Robbins, shall hereafter be held and considered to have served as a nurse in the military service of the United States from the 16th day of June, 1864, to the 22d day of August, 1865: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 8, strike out "22d day of August," and insert in lieu thereof "8th day of September."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS A. MCGURK

The next business on the Private Calendar was the bill (H. R. 16466) for the relief of Thomas A. McGurk.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged sol-

diers, Thomas A. McGurk, alias Thomas Devlin, who was a member of Company K, Sixth Regiment United States Infantry; Hospital Corps, United States Army; Fourth Battery, United States Field Artillery; Company A, Seventeenth Regiment United States Infantry, shall hereafter be held and considered to have been one and the same persons and to have been discharged honorably from the military service of the United States: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 2, line 1, after the word "States" insert "as of each date of discharge shown on the official records of the War Department."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MABEL L. BROWN

The next business on the Private Calendar was the bill (H. R. 5933) for the relief of Mabel L. Brown.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Mabel L. Brown, mother of Walter L. Brown, late private of Battery A, Eighteenth Field Artillery, shall be regarded as the duly designated beneficiary of the late Private Brown under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

With the following committee amendment:

Line 5, after the word "beneficiary," insert "and dependent"; in line 6, strike out the words "May 11, 1908, as amended by the act approved March 3, 1909," and insert in lieu thereof "December 17, 1919 (41 Stat. 367)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CARRIE M'INTYRE

The next business on the Private Calendar was the bill (H. R. 10200) for the relief of Carrie McIntyre.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Carrie McIntyre, mother of Henry D. McIntyre, who served as a private in Service Company, Fourth Regiment United States Infantry, shall be considered as the duly designated beneficiary of the late Henry D. McIntyre, under the act approved May 11, 1908, as amended by the act approved March 3, 1909 (35 Stat. 108, 735).

With the following committee amendments:

Line 6, after the word "beneficiary," insert "and dependent."

Line 7, after the word "approved," strike out all language and insert in lieu thereof "December 17, 1919 (41 Stat. 367)."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ANGENORA HINES

The next business on the Private Calendar was the bill (H. R. 11383) for the relief of Angenora Hines.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Joseph Hines, who was a member of Company E, Tenth Veteran Reserve Corps, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 23d day of March, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

TWIN CITY FORGE & FOUNDRY CO.

The next business on the Private Calendar was the bill (H. R. 16535) authorizing the Secretary of War to execute a satisfaction of a certain mortgage given by the Twin City Forge & Foundry Co. to the United States of America.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Reserving the right to object, has the Department of Justice or the War Department approved this bill? I notice that the committee report contains a letter from the Attorney General, but it does not show that he is in favor of this bill.

Mr. ANDRESEN. The Department of Justice is in favor of the bill, but at the present time there is no Government agent who is authorized to execute a release in satisfaction of the mortgage.

Mr. SCHAFER. The mortgage has been satisfied by the court decision, but there is nobody authorized to make the release?

Mr. ANDRESEN. The gentleman is correct.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to execute and deliver to the Twin City Forge & Foundry Co., of Stillwater, Minn., a release or satisfaction of a certain mortgage dated August 13, 1918, executed by the Twin City Forge & Foundry Co. to Newton D. Baker, Secretary of War of the United States of America, as trustee on behalf of the United States of America, said mortgage being in the amount of \$750,000 and covering certain real estate and personal property of the said Twin City Forge & Foundry Co. situated in the county of Washington and State of Minnesota; and said mortgage being recorded on August 19, 1918, on pages 112, 113, and 114 in book of mortgages No. 37 in the office of the register of deeds of Washington County, Minn. The indebtedness for which said mortgage was given is now fully paid and satisfied. The Secretary of War is further authorized and directed to execute such release or satisfaction in such form as is conformable with the laws of the State of Minnesota.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM T. RING

The next business on the Private Calendar was the bill (H. R. 7174), granting compensation to William T. Ring.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$3,000 to William T. Ring, of New Haven, Conn., as compensation for injuries sustained by the said William T. Ring when struck by a stone which fell from the pediment of the Federal building at New Haven, Conn., February 7, 1927.

With the following committee amendments:

In line 5, strike out the figures "\$3,000" and insert in lieu thereof "\$462.55"; after the word "appropriated," add "and in full settlement against the Government."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ALMA RAWSON

The next business on the Private Calendar was the bill (H. R. 15197) for the relief of Alma Rawson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the United States Government, the sum of \$500 to Alma Rawson as reimbursement for personal injuries as a result of slipping in a puddle of water at the Crescent Street post office, Brockton, Mass., on May 11, 1928.

With the following committee amendment:

Strike out the figures "\$500" and insert in lieu thereof "\$176.50."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A. N. WORSTELL

The next business on the Private Calendar was the bill (H. R. 8519) for the relief of A. N. Worstell.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Postmaster General is authorized and directed to credit the account of A. N. Worstell, postmaster at Valparaiso, Ind., in the sum of \$68,248.12. Such sum represents the amount of a deficit in the account of the said A. N. Worstell caused by the theft, on March 25, 1925, of postage and revenue stamps from the post office at Valparaiso, Ind.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

SUIT AGAINST UNITED STATES BY MERRILL ENGINEERING CO.

The next business on the Private Calendar was the bill (H. R. 10817) to provide for suit against the United States by the Merrill Engineering Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in any suit brought within four months after the enactment of this act by the Merrill Engineering Co., of Jackson, Miss., against the United States in the United States District Court for the Southern District of Mississippi, to recover compensation for extra work performed by such company under a contract dated September 25, 1925, between the Merrill Engineering Co. and M. C. Tyler, major, United States Army, representing the United States, for the construction of a brick pavement on the bridge roadway of Wilson Dam, located near Sheffield, Ala., the failure of such company to comply with the provisions of paragraph 38 of the specifications of such contract shall not constitute a defense to the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended to read: "A bill for the relief of the Merrill Engineering Co."

A motion to reconsider the vote by which the bill was passed was laid on the table.

A. BRIZARD

The next business on the Private Calendar was the bill (H. R. 14583) for the relief of A. Brizard (Inc.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to A. Brizard (Inc.), Arcata, Calif., the sum of \$150 as compensation for a mule killed while under rental to the United States Forest Service, in California, for use in its official business in the year 1926.

With the following committee amendment:

Line 5, after the word "appropriated," insert "and in full settlement against the Government."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARSHALL STATE BANK

The next business on the Private Calendar was the bill (H. R. 14738) for the relief of the Marshall State Bank.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection the Clerk will report the committee amendment.

There was no objection and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of the Marshall State Bank, Marshall, Ill., United States coupon note No. J-1067846 in the denomination of

\$500 of the Victory Liberty Loan 4½ per cent convertible gold notes of 1922-23, matured May 20, 1923, with interest at the rate of 4½ per cent per annum from December 15, 1919, to May 20, 1923, inclusive, without presentation of said note or the coupons representing interest thereon from December 15, 1919, to May 20, 1923, the note with the said coupons attached having been lost, stolen, or destroyed: *Provided*, That the said note shall not have been previously presented and paid and that no payment shall be made hereunder for any coupons which shall have been previously presented and paid: *And provided further*, That the said Marshall State Bank shall first file in the Treasury Department of the United States a bond in the penal sum of double the amount of the principal of the said note and the interest payable thereon when the note matured, in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, to indemnify and save harmless the United States from any loss on account of the lost, stolen, or destroyed note hereinbefore described, or the coupons belonging thereto."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JESSIE L. KINSEY

The next business on the Private Calendar was the bill (H. R. 15161) for the relief of Jessie L. Kinsey.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. O'CONNELL. Mr. Speaker, I am glad to notice that there are a lot of these bills that refer to losses occurring in post offices. Heretofore it has been difficult to get these bills through the House. I am glad at last that we are taking cognizance of the fact that these losses are legitimate, and that these postmasters are not having so much trouble in getting their money back.

The SPEAKER pro tempore. The Chair is informed by the Clerk that there is a Senate bill (S. 5326) of similar title on the Speaker's desk. Without objection, the Clerk will report the Senate bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Postmaster General be, and he is hereby, authorized and directed to credit the accounts of Jessie L. Kinsey, postmaster at Beach, N. Dak., in the sum of \$476.90, due the United States on account of the loss of postal funds resulting from the failure of the First National Bank of Beach, Beach, N. Dak.: *Provided*, That the said Jessie L. Kinsey shall assign to the United States any and all claims she may have to dividends arising from the liquidation of said bank.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The bill (H. R. 15161) was laid on the table.

JOHN T. PAINTER

The next business on the Private Calendar was the bill (H. R. 15914) for the relief of John T. Painter.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to credit John T. Painter, postmaster at Greensburg, Westmoreland County, Pa., in his accounts with the sum of \$23,366.84, the amount of money and postage stamps lost in the burglary of the post office at Greensburg, Pa., on April 22, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FEDERAL CONSTRUCTION CO.

The next business on the Private Calendar was the bill (H. R. 16219) for the relief of the Federal Construction Co. (Inc.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. BLAND. Mr. Speaker, I ask unanimous consent to substitute for this bill Senate bill 4817, on the Speaker's table.

Mr. SCHAFER. Mr. Speaker, reserving the right to object, is the Senate bill in the identical form reported by the Claims Committee of the House?

Mr. BLAND. It is.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow to Federal Construction Co. (Inc.), the sum of \$2,800, in full settlement for the construction of a concrete drainage trench in connection with contract of July 6, 1925, for the construction of a drainage system at United States Veterans' Bureau Hospital No. 97, Chillicothe, Ohio. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of \$2,800 for payment of the claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The bill (H. R. 16219) was laid on the table.

CLYDE H. TAVENNER

The next business on the Private Calendar was the bill (H. R. 16342) for the relief of Clyde H. Tavenner.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Clyde H. Tavenner, the sum of \$893.92, representing the amount paid by him in 1916 to the Public Printer for speeches ordered, but neither printed nor delivered, the said amount in that year deposited by the Public Printer in the Treasury of the United States to the credit of miscellaneous receipts, as required by law.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

R. H. KING

The next business on the Private Calendar was the bill (S. 1766) for the relief of R. H. King.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. ROWBOTTOM. Mr. Speaker, I object.

Mr. SCHAFER. Mr. Speaker, I wish to state to the gentleman that this bill was reported from the Claims Committee, of which he is a member, by a unanimous vote. I was chairman of the subcommittee that reported the bill. It appears from the report of the Post Office Department that this postmaster thought there was something wrong in the accounts of his office and requested an investigation by post-office inspectors. The inspectors did not make the visit until some time after the request, and then it was found that the assistant postmaster was spending more money than he was making, and after a thorough investigation, upon the recommendation of the postal inspectors, the assistant postmaster was discharged. I think it is a very meritorious bill. It received careful and serious consideration by the Claims Committee before it was reported out by a unanimous vote.

Mr. ROWBOTTOM. The Postmaster General states that this postmaster was very lax in the handling of his office.

Mr. SCHAFER. I hope that the gentleman will carefully study the entire report of the Postmaster General, where he will find a statement of all the facts in the case, and if the gentleman will read the report in full I am sure he will find that the bill is meritorious.

Mr. O'CONNELL. Mr. Speaker, here is a chance where we have an opportunity to override the opinion of a department officer.

Mr. UNDERHILL. I do not think you override him entirely. This is simply a case where a postmaster is required to take such employees as are furnished to him by the Government and has suffered by the action of those employees.

Mr. O'CONNELL. That is just the situation. They have got to take anybody who is sent to them and be responsible for what they do.

Mr. SCHAFER. I would state to the gentleman that this postmaster has made good every penny of the bond. He borrowed up to the limit on his life insurance to do so. The record indicates that he did not embezzle this money.

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Mr. ROWBOTTOM. Mr. Speaker, in view of the statements that have been made, I will withdraw my objection.

The SPEAKER pro tempore. Objection is withdrawn. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to R. H. King, of Alvin, Tex., former postmaster at that place, \$2,283.28, the amount paid by him to the Government of the United States on account of defalcation in the post office at Alvin while he was postmaster, said defalcation having occurred without fault or negligence on his part.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ALICE SARRAZIN

The next business on the Private Calendar was the bill (H. R. 5950) for the relief of Alice Sarrazin.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Alice Sarrazin, mother of Jules A. Sarrazin, late of Company K, Sixth United States Infantry, Fort McPherson, Ga., shall be regarded as the duly designated beneficiary of the late Jules A. Sarrazin under the act approved May 11, 1908, as amended by the act approved March 3, 1909.

With a committee amendment as follows:

In line 5, after the word "beneficiary," insert the words "and dependent"; and on line 7, after the word "approved," strike out "May 11, 1908, as amended by the act approved March 3, 1909," and insert "December 17, 1919 (41 Stat. 367)."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

PAUL WALLERSTEIN

The next business on the Private Calendar was the bill (H. R. 3675) for the relief of Paul Wallerstein.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of this bill?

Mr. UPDIKE. Reserving the right to object, Mr. Speaker, what does this bill do?

Mr. SCHAFER. This bill makes the discharge of a Civil War veteran honorable. It appears from the record of the War Department that he deserted while on furlough about February 28, 1865, and reenlisted nine days later, on March 9, 1865, and served until he was honorably discharged from that enlistment.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws, Paul Wallerstein, who was formerly a private in Company D, Seventy-fifth Regiment, and Company K, Forty-sixth Regiment, New York Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said companies and regiments on July 28, 1865.

With a committee amendment as follows:

At the end of line 9 insert: "Provided, That no pension, bounty, pay, or other emolument shall accrue prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

W. L. INABNIT

The next business on the Private Calendar was the bill (H. R. 9530) for the relief of W. L. Inabnit.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and is hereby, authorized and directed to place upon its compensation roll, subject to the provisions and limitations of the compensation laws of employees of the United States, the name of W. L. Inabnit, former employee of the United States, and pay him compensation at the rate of \$66.67 per month.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LEO BYRNE

The next business on the Private Calendar was the bill (H. R. 14850) authorizing and directing the United States Employees' Compensation Commission to pay Leo Byrne at the rate of \$100 a month, and for other purposes.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to pay to Leo Byrne, on account of the results of injuries received while on duty with the Reserve Officers' Training Corps, at Camp Knox, Ky., on July 21, 1927, the sum of \$100 per month, payments to start from the date of the accident, July 21, 1927.

With a committee amendment as follows:

Strike out all after the enacting clause and insert "That the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to extend to Leo Byrne, on account of injuries sustained July 21, 1927, while in the performance of his duty as a student of the Reserve Officers' Training Corps, University of Missouri, Ky., the provisions of an act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 6, 1916, as amended by the act of February 12, 1927."

Amend the title so as to read: "A bill for the relief of Leo Byrne."

Mr. IRWIN. Mr. Speaker, I offer an amendment. On page 2, line 10, strike out the period, insert a colon, and add the following:

Pay and allowances not to exceed \$150 per month.

The SPEAKER pro tempore. The gentleman from Illinois offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. Irwin to the committee amendment: On page 2, line 10, strike out the period, insert a colon and add the following: "Pay and allowances not to exceed \$150 per month."

Mr. UNDERHILL. Mr. Speaker, I think the amount should be \$117 instead of \$150.

Mr. COCHRAN of Missouri. Will the gentleman yield?

Mr. UNDERHILL. Certainly.

Mr. COCHRAN of Missouri. The pay of the Employees' Compensation Commission is based on two-thirds of the salary.

Mr. UNDERHILL. The pay of the Employees' Compensation Commission in no case exceeds \$117 per month.

Mr. COCHRAN of Missouri. This pay and allowances amendment is necessary according to the legal department of the Compensation Commission. They must have some figure upon which to base the allowance and as it is intended to grant this young man a reasonable amount it was agreed that if an amendment was offered in this form it would enable the commission to carry out the intent of Congress. The bill in the form it was reported would not have brought the desired result, the Compensation Commission holding it could not pay any compensation. The bill in its original form as I introduced it was worded properly. This young college boy injured in a training camp spent 1 year and 6 months in Walter Reed Hospital. I visited him at every opportunity. He was sent home just before Christmas, the doctors stating nothing further could be done for him.

The mother of this young man came to Washington from St. Louis and remained here for over a year so she could be near her disabled son. At his home he is under the care of a private specialist. Added to this expense is the cost of surgical dressings which amount to over \$1 a day.

Unfortunately there is no general law under which he would have title to recognition, but recently, due to this case and several others, the Secretary of War recommended the passage of a bill placing students injured in training camps on the rolls of the Compensation Commission. The recommendation came too late for consideration at this session but I desire to express the hope it will be speedily enacted in the next Congress.

The SPEAKER pro tempore. The question is on agreeing to the amendment to the committee amendment offered by the gentleman from Illinois.

The amendment was agreed to.

The committee amendment as amended was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ELIZABETH ROBINS PENNELL

The next business on the Private Calendar was House Joint Resolution 33, to relieve Elizabeth Robins Pennell from necessity of providing a surety on her bond for the benefit of the United States as residuary legatee and remainderman under the will of Joseph Pennell.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

Mr. LUCE. Mr. Speaker, I ask unanimous consent to substitute Senate Joint Resolution 58, an identical resolution.

The SPEAKER pro tempore. Without objection the Clerk will report the Senate resolution.

There was no objection.

The Clerk read as follows:

Resolved, etc., That the United States of America hereby waives any claim for security from the said Elizabeth Robins Pennell other than her own bond, for its benefit as residuary legatee and remainderman under the will of the said Joseph Pennell, and it is declared to be the opinion of Congress that such personal bond without surety would, if approved by the orphans' court, of Philadelphia County, adequately secure the interests of the United States under section 23 of the fiduciaries act of Pennsylvania.

The resolution was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

A similar House joint resolution was laid on the table.

BEY MARIO AROSEMENA

The next business on the Private Calendar was House Joint Resolution 373, authorizing the Secretary of War to receive for instruction at the United States Military Academy at West Point Bey Mario Arosemena, a citizen of Panama.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That the Secretary of War be, and he is hereby, authorized to permit Bey Mario Arosemena to receive instruction at the United States Military Academy at West Point: *Provided,* That no expense shall be caused to the United States thereby, and that Bey Mario Arosemena shall agree to comply with all regulations for the police and discipline of the academy, to be studious, and to give his utmost efforts to accomplish the courses in the various departments of instruction, and that said Bey Mario Arosemena shall not be admitted to the academy until he shall have passed the mental and physical examinations prescribed for candidates from the United States, and that he shall be immediately withdrawn if deficient in studies or in conduct and so recommended by the academic board: *And provided further,* That in the case of said Bey Mario Arosemena the provisions of section 1320 and 1321 of the Revised Statutes shall be suspended.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the resolution was passed was laid on the table.

FELIX COLE

The next business on the Private Calendar was the bill (H. R. 14022), for the relief of Felix Cole for losses incurred by

him arising out of the performance of his duties in the American Consular Service.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7,414.37 to Felix Cole, consul of the United States of America, formerly stationed at Petrograd and Archangel, Russia, as reimbursement for losses by theft, pilferage, or confiscation of personal effects stored at Petrograd, Russia, due to his hurried departure from that city under orders in 1917; and for his personal effects stolen from a railroad car between Harbin, China, and Vladivostok, Russia, in 1920; and for the expenses of travel of his wife and child to the United States from Russia, which expenses were refused payment on technical grounds by the Comptroller of the Treasury; all said losses and expenses having arisen during and out of his performance of duty in the American Consular Service.

With the following committee amendment:

On page 1, line 5, strike out the sign and figures "\$7,414.37" and insert in lieu thereof the sign and figures "\$4,691.10."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. WILLIAM CASSIDY

The next business on the Private Calendar was the bill (H. R. 14975) for the relief of Capt. William Cassidy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Capt. William Cassidy, Quartermaster Corps, United States Army, in the sum of \$4,740.39 on account of stoppage of pay as the result of the loss of public funds due to financial irregularities and frauds against the Government, in the handling of public funds by a civilian employee of the Quartermaster Corps at Camp Custer, Mich., during the period from April, 1924, to October, 1927, for part of which Captain Cassidy has been held responsible, and to certify the same to Congress for an appropriation.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SAGINAW & MANISTEE LUMBER CO.

The next business on the Private Calendar was the bill (H. R. 12198) to authorize the exchange of timber with the Saginaw & Manistee Lumber Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of Agriculture be, and he is hereby, authorized to grant to the Saginaw & Manistee Lumber Co. timber from national forest lands in Arizona, to be cut and removed under such conditions as the Secretary of Agriculture may require, in exchange for timber or seed trees of at least equal value, as determined by the said Secretary, on lands of the United States on which the said company has timber rights under the act of April 1, 1918 (40 Stat. 1358).

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

SAMUEL HOOPER LANE

The next business on the Private Calendar was the bill (H. R. 14765) for the relief of Samuel Hooper Lane, alias Samuel Foot.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Samuel Hooper Lane, alias Samuel Foot, shall be hereafter held and

considered to have been honorably discharged from the military service of the United States as a teamster of Company F, Fourteenth Regiment Michigan Volunteer Infantry, on July 19, 1862, and as a private of Battery I, Fifth Regiment United States Artillery, on July 20, 1865: *Provided,* That no pension, back pay, or back allowances shall be held to have accrued by virtue of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

KATHERINE ELIZABETH KERRIGAN CALLAGHAN

The next business on the Private Calendar was the bill (H. R. 16666) for the relief of Katherine Elizabeth Kerrigan Callaghan.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I want to call the attention of the House to the fact that there is no evidence whatsoever submitted in this report to show that this man came to his death through any fault of the Government.

It is true that some years previous to his death he was knocked down and slightly injured by a truck that was owned by the United States Government. He was taken to his home, stated he was all right, and long, long afterwards he put in a claim. This claim has been heretofore on two occasions to my knowledge before the Committee on Claims and has been turned down. If the House chooses to pay a gratuity of \$750 to this man, I am not going to stop it by objecting to the consideration of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Katherine Elizabeth Kerrigan Callaghan, widow of John Callaghan, of Alexandria, La., the sum of \$750. Such sum shall be in full satisfaction of all claims against the United States on account of the death through injuries sustained by the said John Callaghan as a result of being run over on June 9, 1922, by a Government-owned ambulance attached to United States Veterans' Hospital No. 27, and operated by an employee of the hospital, through the carelessness and negligence of the driver of the ambulance.

With the following committee amendment:

Page 2, line 2, after the word "ambulance," insert:

Provided, That no part of the amount of any item appropriated in this act in excess of \$50 thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered or advances made in connection with said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which exceeds \$50 of the amount of any item appropriated in this act on account of services rendered or advances made in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

FRANK YARLOTT

The next business on the Private Calendar was the bill (H. R. 15440) for the relief of Frank Yarlott.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized to issue a patent in fee to Frank Yarlott, Crow allottee No. 1695, for land allotted to him under the provisions of the act of June 4, 1920 (41 Stat. L. 751), and designated as a homestead.

With the following committee amendment:

Line 7, after the word "homestead," add the words "except as to the northwest quarter of section 32, township 7 south, range 38 east, Montana meridian, Mont., which 160 acres shall remain inalienable in accordance with section 13 of said act of June 4, 1920, cited."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

H. L. REDLINGSHAFFER

The next business on the Private Calendar was the bill (H. R. 13258) for the relief of H. L. Redlingshafer for payments made in official capacity disallowed by the General Accounting Office. The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed, in the settlement of the accounts of H. L. Redlingshafer, a district fiscal agent of the Forest Service, Department of Agriculture, to allow the sum of \$242.50, payments to Chester W. Cheatham, now deceased, of per diem in lieu of subsistence at Juneau, Alaska, during the period January 1 to April 30, 1925.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE A. HORMEL & CO.

The next business on the Private Calendar was the bill (H. R. 15635) for the relief of George A. Hormel & Co.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. HAUGEN. Mr. Speaker, I ask unanimous consent to consider in lieu of the House bill the Senate bill (S. 5058), a similar bill.

Mr. ROWBOTTOM. Mr. Speaker, may I ask the gentleman if that is an identical bill?

Mr. HAUGEN. Yes.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to George A. Hormel & Co., out of any money in the Treasury not otherwise appropriated, the sum of \$44 in full satisfaction of said company's claim for excess amount paid by it to the Department of Agriculture for transcript of testimony in docket No. 269, Secretary of Agriculture v. George A. Hormel & Co. and Rath Packing Co.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

A similar House bill was laid on the table.

GALLUP UNDERTAKING CO.

The next business on the Private Calendar was the bill (S. 4890) authorizing the Secretary of the Treasury to pay the Gallup Undertaking Co. for burial of four Navajo Indians.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNELL. Mr. Speaker, how does a bill like this come before the House? Why does the United States have to bury these Indians?

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNELL. Reserving the right to object, I would like to get some explanation from the committee.

Mr. UNDERHILL. Mr. Speaker, the gentleman who introduced the bill not being present, I do not think it is incumbent upon me to defend it.

Mr. O'CONNELL. Since the committee passed it, I will withdraw the reservation of objection.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$120 to the Gallup Undertaking Co., or as much thereof as is necessary, in full and final settlement for the burial of four Navajo Indians, to wit: Mary Uxhi, John Short, an unknown Navajo Indian woman, and Hasteen E. Bai (Kinticini), in the State of New Mexico during the fiscal year 1926.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES E. JENKINS

The next business on the Private Calendar was the bill (S. 1338) for the relief of James E. Jenkins.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to James E. Jenkins, Reno, Nev., out of any money in the Treasury not otherwise appropriated, the sum of \$69 to reimburse him for money necessarily expended for medical services rendered Indian children under authority of the Bureau of Indian Affairs, and for drinking water at the Reno, Nev., office of said bureau.

Mr. WARREN. Mr. Speaker, I offer the following amendment.

The Clerk read as follows:

Insert, after the word "appropriated," in line 6, the words "and in full settlement."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CARY DAWSON

The next business on the Private Calendar was the bill (H. R. 14910) for the relief of Cary Dawson.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

Mr. WARE. I ask unanimous consent to substitute the Senate bill, which is identical with the House bill.

The SPEAKER pro tempore. Is there objection?

The Clerk read the Senate bill, as follows:

An act (S. 5221) for the relief of Cary Dawson

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the settlement of the accounts of Cary Dawson, regional disbursing officer, special disbursing agent, United States Veterans' Bureau, Cincinnati, in the sum of \$330 for restoration of the premises which were occupied by the United States Veterans' Bureau on the fourth floor of the Cleveland Life Building, Evansville, Ind.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The House bill was laid on the table.

D. B. HEINER

The next business on the Private Calendar was the bill (H. R. 15421) for the relief of D. B. Heiner.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to D. B. Heiner, out of any money in the Treasury not otherwise appropriated, the sum of \$9,500 as reimbursement for loss incurred by him as the collector of internal revenue for the twenty-third district, Pennsylvania, in paying into the Treasury of the United States the amount of the shortage of stamps in his office caused by the embezzlement of the stamp clerk.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

E. SCHAAF-REGELMAN

The next business on the Private Calendar was the bill (H. R. 16122), for the relief of E. Schaaf-Regelman.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to E. Schaaf-Regelman the sum of \$500 to reimburse him for expenditures made by him in the construction of a road on the San Carlos Indian Reservation in the State of Arizona.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM S. WELCH

The next business on the Private Calendar was the bill (H. R. 5971) for the relief of William S. Welch, trustee of the estate of the Joliet Forge Co., bankrupt.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER and Mr. WARREN objected.

W. C. MOYE AND NANNIE MOYE

The next business on the Private Calendar was the bill (H. R. 6757) for the relief of W. C. Moye and Nannie Moye.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated to W. C. Moye and Nannie Moye, dependents of Frank Langdon Moye, the sum of \$10,000 on account of the death of Frank Langdon Moye, who was killed at Savannah, Ga., July 27, 1919, by coming in contact with the propeller of an airplane, which was the property of the United States and under the operation of Capt. Herbert A. Dargue.

With the following committee amendments:

In line 5, after the word "appropriated" add "and in full settlement against the Government." In line 7 strike out the figures "\$10,000" and add "\$5,000."

The committee amendments were agreed to.

The bill was ordered to be engrossed and read the third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

REBECCA E. OLMSTED

The next business on the Private Calendar was the bill (H. R. 1934) for the relief of Rebecca E. Olmsted.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Rebecca E. Olmsted, of Reading, Mass., the sum of \$1,050, out of any money in the Treasury not otherwise appropriated, on account of the death of her son, Lieut. Robert S. Olmsted, Air Service, United States Army, in the disaster of Army balloon S-6 on September 23, 1923.

With the following committee amendment:

Strike out all the language after the enacting clause and insert in lieu thereof:

"That Rebecca E. Olmsted, mother of Lieut. Robert S. Olmsted, Air Service, United States Army, shall be regarded as the duly designated beneficiary and dependent of the late Robert S. Olmsted, under the act approved December 17, 1919 (41 Stat. 367)."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GEORGE W. McPHERSON

The next business on the Private Calendar was the bill (H. R. 9175) for the relief of George W. McPherson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$10,000 to George W. McPherson, of Noblesville, Hamilton County, Ind., on account of the death of his wife, Anna W. McPherson, caused by a collision with an Army truck at Fortville, Ind., on July 10, 1927.

With the following committee amendment:

Line 6, strike out "\$10,000" and insert "\$5,000."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

B. FRANK SHETTER

The next business on the Private Calendar was the bill (H. R. 14172) for the relief of B. Frank Shetter.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to B. Frank Shetter, during his natural life, the sum of \$50 per month, to date from the passage of this act, as compensation for disability sustained while in the line of his duties as checker at the arsenal, Rock Island, Ill., said monthly payments to be paid through the United States Employees' Compensation Commission.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

The motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM H. FLEMING

The next business on the Private Calendar was the bill (H. R. 4699) for the relief of William H. Fleming.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William H. Fleming, who was a member of Company K, Eighth Regiment Massachusetts Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 28th day of April, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

GEORGE W. GILMORE

The next business on the Private Calendar was the bill (H. R. 7051) for the relief of George W. Gilmore.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers George W. Gilmore, who was a member of Company A, Thirty-third Regiment Kentucky Volunteer Infantry, shall hereafter be held and considered to have been mustered in August 1, 1862, to have served honorably, and to have been discharged honorably from the military service of the United States as a member of that organization on the 23d day of December, 1862: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

B. P. STRICKLIN

The next business on the Private Calendar was the bill (H. R. 10321) for the relief of B. P. Stricklin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. Without objection, the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$2,850 to B. P. Stricklin on account of injuries sustained while in the service of the United States in assisting prohibition

agents in the raiding of a wildcat distillery on Sullivans Ridge, in Davidson County, Tenn."

The committee amendment was agreed to, and the bill as amended, was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM C. SCHMITT

The next business on the Private Calendar was the bill (H. R. 6698) for the relief of William C. Schmitt. The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. Without objection the Clerk will report the committee amendment.

There was no objection, and the Clerk read as follows:

Strike out all after the enacting clause and insert:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to William C. Schmitt an amount at the rate of \$117 per month from December 5, 1920, to the date of the passage of this act, on account of injuries caused by the explosion of shells aboard the Army lighter *Amackassen*: *Provided*, That from the date of the passage of this act the United States Employees' Compensation Commission be, and it is hereby, authorized and directed to extend to William C. Schmitt, on account of injuries sustained December 5, 1920, the provisions of an act entitled 'An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes,' approved September 6, 1916, as amended by the act of February 12, 1927."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES MOFFITT

The next business on the Private Calendar was the bill (H. R. 2424) for the relief of James Moffitt.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Moffitt, who served in Company F, First United States Infantry, war with Spain, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of said company: *Provided*, That no pension or pay shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, strike out: "*Provided*, That no pension or pay shall be held to have accrued prior to the passage of this act" and insert: "August 25, 1900: *Provided*, That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ALBERT D. CASTLEBERRY

The next business on the Private Calendar was the bill (H. R. 11149) for the relief of Albert D. Castleberry.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Albert D. Castleberry, who was a member of Company I, Forty-fourth Regiment United States Volunteer Infantry, Philippine Insurrection, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 20th day of May, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WALTER MALONE

The next business on the Private Calendar was the bill (H. R. 14579) for the relief of Walter Malone.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Walter Malone, who was a member of Company E, Twentieth Regiment United States Infantry, 1899-1902, Spanish-American War, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 14th day of January, 1922: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment as follows:

In line 10 of the bill strike out "1922" and insert "1902."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LEWIS H. EASTERLY

The next business on the Private Calendar was the bill (S. 5090) for the relief of Lewis H. Easterly.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Lewis H. Easterly shall be held and considered to have enlisted as a musician in Company G, Ninth Regiment Illinois Volunteer Infantry, on August 1, 1861, to have served continuously until February 5, 1862, and to have been honorably discharged from such service on that date; but no pension, pay, or bounty shall be held to have accrued prior to the passage of this act, except that the Secretary of the Interior is authorized and directed to make payments of pension under claim No. 10-1617817 as if such claim had been allowed.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

VERNON S. ROSS

The next business on the Private Calendar was the bill (H. R. 15641) to correct the military record of Vernon S. Ross.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Vernon S. Ross, who was a member of Troop K, Fourteenth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 21st day of August, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment amending the title.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

ANDREW T. BAILEY

The next business on the Private Calendar was the bill (H. R. 12492) for the relief of Andrew T. Bailey.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. BUCHANAN. I move to substitute the Senate bill S. 5766 for this bill.

The motion was agreed to.

The SPEAKER pro tempore. The Clerk will report the Senate bill.

The Clerk read as follows:

A bill (S. 5766) for the relief of Andrew T. Bailey

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Andrew T. Bailey, during his natural life, the sum of \$90 per month, to date from the passage of this act, as compensation for the loss of the sight of both eyes while serving as a trusty at the Federal penitentiary at Atlanta, Ga., said monthly payments to be paid through the United States Employees' Compensation Commission.

The SPEAKER pro tempore. The question is on the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

MARION M. CLARK

The next business on the Private Calendar was the bill (H. R. 4611) to remove the charge of desertion and grant an honorable discharge to Marion M. Clark.

The title to the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Marion M. Clark, who was a member of Troop L, Fourteenth Cavalry, United States Army, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 30th day of December, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

Mr. MONTAGUE. Mr. Speaker, the committee offers an amendment to the title of the bill so that the title will read, "A bill for the relief of Marion M. Clark."

The SPEAKER pro tempore. The question is on agreeing to the amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

THOMAS FINLEY

The next business on the Private Calendar was the bill (H. R. 4624) to correct the military record of Thomas Finley.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas Finley, who was a member of Battery C, Seventh Light Artillery, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 15th day of May, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment to amend the title.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRANCIS J. MOORE

The next business on the Private Calendar was the bill (H. R. 16560) to correct the military record of Francis J. Moore.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Francis J. Moore, who was a member of Company G, Second Regiment United States Veteran Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 2d day of March, 1866: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment to amend the title.

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LIEUT. FRANCIS D. HUMPHREY, UNITED STATES NAVY

The next business on the Private Calendar was the bill (H. R. 16889) for the relief of Francis D. Humphrey, Supply Corps, United States Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. Reserving the right to object, Mr. Speaker, this bill seems to authorize a credit in the accounts of a certain naval officer.

I am not going to object to these bills, but I think the House is entitled, when a committee reports legislation of this kind, to have the comptroller's opinion touching all of these reports. In the reports on the next seven or eight bills there is no statement at all from the Comptroller General, who in every case has disallowed the claim. So we are taking it on the faith of the committee.

Mr. LAGUARDIA. Will the gentleman yield?

Mr. WARREN. Yes.

Mr. LAGUARDIA. Did the comptroller submit a report to the committee?

Mr. WARREN. I do not know.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Francis D. Humphrey, Supply Corps, United States Navy, in the amount of \$3,754.82, which sum represents payments made by said officer to a number of enlisted men for quarters and subsistence while attached to the U. S. S. *Scorpion* and serving on shore at Constantinople, Turkey.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. P. J. WILLETT

The next business on the Private Calendar was the bill (H. R. 16890) for the relief of Capt. P. J. Willett, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. P. J. Willett, Supply Corps, United States Navy, in the amount of \$250, which amount represents payments made by Lieutenant Commander Willett, Supply Corps, United States Navy, during the period from March 16, 1914, to August 8, 1914, at the naval station, Hawaii, on account of a laborer who was fraudulently carried on the yard rolls during said period, which payment was subsequently disallowed by the Comptroller General, and to pay him \$201.89, the amount otherwise due him for refund of taxes illegally collected, which was applied to reduce the above indebtedness, and the amount necessary is reappropriated from the appropriation to which the collection was credited.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. EDWARD F. NEY

The next business on the Private Calendar was the bill (H. R. 16894) for the relief of Lieut. Edward F. Ney, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Edward F. Ney, Supply Corps, United States Navy, in the amount of \$23.22, which amount represents a payment of travel allowance made by Lieutenant Ney, Supply Corps, while disbursing officer of the receiving ship at Boston, Mass., to one C. P. Brooks, ex-seaman, second class, United States Navy, at the time of his discharge on April 28, 1922, which payment was made pursuant to the instructions of the Navy Department.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. THOMAS C. EDRINGTON

The next business on the Private Calendar was the bill (H. R. 16893) for the relief of Lieut. Thomas C. Edrington, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Thomas C. Edrington, Supply Corps, United States Navy, in the amount of \$7,388.78, which sum represents a payment made by said officer to the F. W. Mark Construction Co. (Inc.), under department contract No. 2005 (Yards and Docks, No. 3269), dated September 30, 1918, as amended by letter change issued by the Bureau of Yards and Docks under date of December 21, 1921, authorizing an increase in the contract price on account of "the elimination of work in excess of eight hours a day after the date of the armistice, November 11, 1918."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. HENRY GUILMETTE

The next business on the Private Calendar was the bill (H. R. 16895) for the relief of Lieut. Henry Guilmette, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Henry Guilmette, Supply Corps, United States Navy, in the amount of \$49.80, which sum represents a payment made by said officer to Joseph Daniel Morrison, machinist's mate, first class, United States Navy, as a travel allowance upon transfer to the Fleet Naval Reserve, Class F-4-C, after 16 years' service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. EDWARD MIXON

The next business on the Private Calendar was the bill (H. R. 16897) for the relief of Lieut. Edward Mixon, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Edward Mixon, Supply Corps, United States Navy, in the amount of \$387.73, which sum represents overpayments to civilian laborers at the Helium Production

Plant, Fort Worth, Tex., during the first quarter, 1924, disallowed by the Comptroller General in the final settlement of the accounts of said officer.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. ROBERT O'HAGAN

The next business on the Private Calendar was the bill (H. R. 16898) for the relief of Lieut. Robert O'Hagan, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Robert O'Hagan, Supply Corps, United States Navy, in the amount of \$544.72, which sum represents payments made by said officer to a number of enlisted men for quarters and subsistence while attached to the U. S. *Scorpion* and serving on shore at Constantinople, Turkey.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. WILLIAM L. F. SIMONPIETRI

The next business on the Private Calendar was the bill (H. R. 16900) for the relief of Capt. William L. F. Simonpietri, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. William L. F. Simonpietri, Supply Corps, United States Navy, in the amount of \$220, which amount represents payments to M. W. Doolan Co. for personal services as food inspectors under proposal and acceptance dated May 12, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. JOHN M. HOLMES

The next business on the Private Calendar was the bill (H. R. 16902) for the relief of Lieut. John M. Holmes, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. John M. Holmes, Supply Corps, United States Navy, in the amount of \$896.48, which amount represents payments made by the said Lieutenant Holmes, Supply Corps, to two men employed at the Navy supply depot as inspectors of tea purchased by the Navy Department under contract, such employment being at the instance of the Bureau of Supplies and Accounts and in accordance with awards which were based upon approved requisition.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS COCHRAN

The next business on the Private Calendar was the bill (H. R. 16903) for the relief of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Commander Thomas Cochran, Supply Corps, United States Navy, in the amount of \$200, which amount represents payments to M. W. Doolan Co. for

services performed in connection with inspection of canned fruits and vegetables under accepted proposal dated April 20, 1926.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WALTER B. IZARD

The next business on the Private Calendar was the bill (H. R. 16896) for the relief of Capt. Walter B. Izard, Supply Corps, United States Navy, retired.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. Walter B. Izard, Supply Corps, United States Navy, retired, in the amount of \$455.22, which sum represents payments made by said officer to H. Hanakahi, carpenter's mate, United States Navy, during the period from July 1, 1913, to March 15, 1914, on forged pay receipts.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

DANIEL A. NEWMAN

The next business on the Private Calendar was the bill (H. R. 16892) for the relief of Daniel A. Newman, formerly a lieutenant in the Supply Corps of the Naval Reserve Force.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Daniel A. Newman, formerly a lieutenant in the Supply Corps of the Naval Reserve Force, in the amount of \$894, which sum represents payments made by said officer to Lieut. Harry S. Lyons, United States Naval Reserve Force, on forged pay receipts.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LOWELL G. FULLER

The next business on the Private Calendar was the bill (H. R. 13127) for the relief of Lowell G. Fuller.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws and laws conferring rights and privileges upon honorably discharged soldiers, sailors, and marines, their widows and dependent relatives, Lowell G. Fuller shall hereafter be held and considered to have been honorably discharged March 30, 1899, from the military service of the United States in his final service as an electrician sergeant of the post noncommissioned staff United States Army, Fort Monroe, Va.: *Provided,* That no pension, bounty, pay, or other emoluments shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HARVEY H. GOYER

The next business on the Private Calendar was the bill (H. R. 2436) for the relief of Harvey H. Goyer.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Harvey H. Goyer, who was a member of Company H, Second Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 14th day of November, 1902: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

WILLIAM P. BRADY

The next business on the Private Calendar was the bill (H. R. 2441) for the relief of William P. Brady.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William P. Brady, who was a member of Company —, Eleventh Regiment United States Volunteer Signal Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a corporal of that organization on the 25th day of February, 1899: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD H. COTCHER

The next business on the Private Calendar was the bill (H. R. 10824) for the relief of Edward H. Cotcher.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summon Edward H. Cotcher, formerly captain of the Sixty-fifth Infantry of the Army of the United States, before a retiring board to inquire whether at the time of his honorable discharge, November 24, 1922, he was incapacitated for active service and whether such incapacity was the result of an incident of service, and whether said discharge should have been made, and upon the result of such inquiry the President is authorized to nominate and appoint, by and with the advice and consent of the Senate, the said Edward H. Cotcher a captain in the Army of the United States and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or may hereafter be provided by law or regulation for officers of the Regular Army: *Provided,* That the said Edward H. Cotcher shall not be entitled to any back pay or allowances.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HOWARD C. FRINK

The next business on the Private Calendar was the bill (H. R. 14767) for the relief of Howard C. Frink.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Howard C. Frink, who was a member of Company H, Thirty-first Regiment Michigan Volunteer Infantry, and who was discharged honorably from the military service of the United States as a member of said company and regiment May 17, 1899, and who reenlisted on September 6, 1899, as a recruit for the Forty-third Regiment United States Volunteer Infantry, and who was honorably discharged on September 29, 1899, shall hereafter be held and considered to be entitled to all rights, privileges, and benefits accorded honorably discharged soldiers by law: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

EDWARD A. BURKETT

The next business on the Private Calendar was the bill (H. R. 15029) for the relief of Edward A. Burkett.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Edward A. Burkett, who was a member of Company L, Fifth Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service

of the United States May 31, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

In line 8, after the word "States," insert "May 31, 1899."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

RELIEF OF CERTAIN SEAMEN—STEAMSHIP "ORION"

The next business on the Private Calendar was the bill (S. 2291) for the relief of certain seamen and any and all persons entitled to receive a part or all of money now held by the Government of the United States on a purchase contract of steamship *Orion* who are judgment creditors of the Black Star Line (Inc.) for wages earned.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That jurisdiction be, and hereby is, conferred upon the Court of Claims, notwithstanding any lapse of time or statute of limitation, and without the permission on the part of the Government or its representatives, to interpose any kind of defense to said claim, except to have the person, persons, corporation, or corporations to whom such money or a part of such money shall belong, as a matter of equity and justice, to hear, adjudicate, and render judgment, such as equity and justice may require, in favor of such person, persons, corporation, or corporations, as upon a determination of the facts heard by said court, the said court shall determine, is entitled to receive such money in the sum of \$21,624.66, less any costs legally incurred in the Court of Claims, which said sum of money has been paid into the Treasury of the United States by the United States Shipping Board, on account of a purchase by the Black Star Line (Inc.), or other persons in their behalf, of a certain ship known as the steamship *Orion*. It is hereby recognized by this act that the said sum of money above set forth, in equity and good conscience, does not belong to the United States Government, and the Court of Claims is vested with full jurisdiction, under its rules and proceedings, to render judgment for such money or parts thereof as in equity and good conscience any person or persons, corporation or corporations, may be entitled to receive.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOEL TOWNSEND

The next business on the Private Calendar was the bill (H. R. 15449) for the relief of Joel Townsend.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Joel Townsend, who was a member of Company K, Ninety-sixth Regiment New York Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 27th day of December, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Line 9, strike out "27th" and insert in lieu thereof "20th"; also strike out the word "December" and insert in lieu thereof "November."

The amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

C. J. COLVILLE

The next business on the Private Calendar was the bill (H. R. 16837) for the relief of C. J. Colville.

Mr. O'CONNELL. Mr. Speaker, I ask unanimous consent to substitute an identical bill (S. 4811).

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

An act (S. 4811) for the relief of C. J. Colville

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to settle in an amount not exceeding \$4,867.91, the claim of C. J. Colville arising out of an agreement to purchase in 1920 certain steel, and which sale was

not consummated because of a misunderstanding as to the quality of the steel. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, a sum not to exceed \$4,867.91 for the full and final payment and discharge of any and all claims arising out of the transaction.

Mr. O'CONNELL. Mr. Speaker, I would like to get some information in regard to this bill from some member of the committee. It has no apparent author.

Mr. UNDERHILL. I doubt, Mr. Speaker, if any member of the committee knows anything about it. I will read from the report—that the Comptroller General has stated that the claimant has an equitable right to the money. Now, Mr. Speaker, far be it from me to question the Comptroller General when he gives out any money or recommends the payment of money to anybody. [Laughter.]

The bill was ordered to be read the third time, was read the third time, and passed.

The motion to reconsider was laid on the table.

The House bill was laid on the table.

AIRPLANE ACCIDENT AT LANGIN FIELD, MOUNDSVILLE

The next business on the Private Calendar was the bill (H. R. 16958) to provide an appropriation for the payment of claims of persons who suffered damages from deaths, personal injuries, or property loss due to an airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the sum of \$16,778.57 is appropriated, out of any money in the Treasury not otherwise appropriated, to enable the Comptroller General of the United States to make payment of claims for property damage, death, or personal injury due to the Army airplane accident at Langin Field, Moundsville, W. Va., July 10, 1921, to the persons entitled thereto and in the amounts as recommended by the Comptroller General of the United States and as fully set forth in House Document No. 562, Seventieth Congress, second session, pursuant to the act of March 5, 1928. (45 Stat. 2, 7.)

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THOMAS T. GRIMSLEY

The next business on the Private Calendar was the bill (H. R. 6939) for the relief of Thomas T. Grimsley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$652.50 to Thomas T. Grimsley, on account of an injury sustained August 6, 1922, while in the performance of his duty as an employee of the District of Columbia, at the District workhouse at Occoquan, Va.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES P. HAMILL

The next business on the Private Calendar was the bill (H. R. 7560) for the relief of James P. Hamill.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, in full settlement against the Government, to the legal guardian of James P. Hamill, the sum of \$5,000, in compensation for injuries caused through negligence on the part of employees of the United States Army in Chicago, Ill.

With the following committee amendment:

Line 7, strike out "\$5,000" and insert "\$2,000."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

C. L. BEARDSLEY

The next business on the Private Calendar was the bill (H. R. 12782) for the relief of C. L. Beardsley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to C. L. Beardsley, of Rock Island, Ill., the sum of \$325. Such sum shall be in full satisfaction of all claims against the United States on account of the loss at Wallace Field, Bettendorf, Iowa, on December 27, 1924, of personal property owned by the said C. L. Beardsley and contained in a frame building which, with its contents, was destroyed by fire through the negligence of an officer of the United States Army.

With the following committee amendment:

Line 11, strike out "through the negligence of an officer of the United States Army" and insert "while the Wallace Aero Co. was aiding a stranded Air Service officer to recondition his plane in order to enable him to return to his proper station."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ANGELO CERRI

The next business on the Private Calendar was the bill (H. R. 15288), for the relief of Angelo Cerri.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Angelo Cerri the sum of \$160, out of any money in the United States Treasury not otherwise appropriated, for the loss of a cow, due to the negligence of employees of the United States Geological Survey while engaged in installing river gauges on the dam on the Connecticut River at Enfield, Conn.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HUNTER W. BOOKER AND OTHERS

The next business on the Private Calendar was the bill (H. R. 12255) for the relief of Hunter W. Booker, H. H. Holt, and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hunter W. Booker, H. H. Holt, and Annie V. Groome, administratrix of Nelson S. Groome, deceased, of Hampton, Va., the sum of \$2,014.54, to reimburse them for moneys actually expended by Hunter W. Booker, H. H. Holt, and Nelson S. Groome in connection with the purchase of lands at Langley Field, Va., purchased by said parties for the benefit, and at the special instance and request of the United States.

With the following committee amendments:

Line 5, strike out "Hunter W. Booker" and insert "Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased";

Line 8, page 1, insert "of the estate" after the word "administratrix."

Line 9, page 1, strike out "\$2,014.54" and insert "\$1,120.62."

Page 2, line 1, strike out the initial "W" and insert the initial "R."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill for the relief of Martha C. Booker, administratrix of the estate of Hunter R. Booker, deceased; H. H. Holt; and Annie V. Groome, administratrix of the estate of Nelson S. Groome, deceased."

JOHN WESLEY CLARK

The next business on the Private Calendar was the bill (H. R. 13869) for the relief of John Wesley Clark.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, the sum of \$5,000 to John Wesley Clark for the loss of his leg as the result of being struck by a United States Army truck on March 19, 1920.

With the following committee amendments:

Line 5, after the word "appropriated" insert "and in full settlement against the Government."

Line 6, strike out "\$5,000" and insert "\$3,000."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WYNONA A. DIXON

The next business on the Private Calendar was the bill (H. R. 9933) for the relief of Wynona A. Dixon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. A similar bill is on the Speaker's table, and without objection the Clerk will report the Senate bill S. 5776.

There was no objection, and the Clerk reported the Senate bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$7,666.67 to Wynona A. Dixon, that being the value of certain of her property seized and appropriated by the military forces of the United States during the late Civil War, as found by the Court of Claims and reported in Senate Document No. 333, Sixty-first Congress, first session.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ESTATE OF C. C. SPILLER

The next business on the Private Calendar was the bill (H. R. 11339) for the relief of the estate of C. C. Spiller, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNELL. Mr. Speaker, reserving the right to object, we ought to have some explanation about this bill.

Mr. HOOPER. Mr. Chairman, I think I can give some explanation. C. C. Spiller was a part owner of a vessel called *Paint Rock*, down on the Cumberland River in Tennessee during the time of the Civil War.

I want to state to the gentleman—and I will be very brief about this—that in the beginning of the Civil War C. C. Spiller was in the Confederate Army. How he came to be in the Confederate Army is not wholly explained; but, as you know, in the War Claims Committee and in the Court of Claims loyalty is a prerequisite in allowing claims of this sort. He was in the Confederate service for a few months, but it is claimed by those who knew him down there that he was forced into that service. However that may be, the fact remains that after he had been in the Confederate service for a few months he got into the Federal service, in a semimilitary capacity, piloting this steamboat on the Cumberland River. He was with the Federal Government from 1862, I believe, to the close of the war, conducting this steamboat along the river, where he was fired upon on several different occasions while piloting Federal troops on the river.

Mr. O'CONNELL. I believe the gentleman, and I will withdraw my objection.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, is it not a fact that the committee report conclusively shows that this man served as a captain in the Confederate Army and did not render service to the Union Army at all during the Civil War?

Mr. HOOPER. I have just been trying in a voluble and vehement way to tell the gentleman from New York (Mr. O'CONNELL) all about that.

Mr. SCHAFFER. The gentleman from Michigan did not give the gentleman from New York any reason why we should pass this bill.

Mr. O'CONNELL. I would state to the gentleman from Wisconsin that—

Mr. SCHAFFER. I will tell the gentleman from New York that I have the floor and have not yielded to him.

Mr. HOOPER. This man was in the Confederate service for a brief time. Later on, whatever the circumstances may have been, he took the oath of allegiance to the United States, and from that time, according to a mass of testimony taken in the matter, he was loyal to the United States. He was not only loyal to the United States but his life was in peril on several occasions when piloting Federal soldiers back and forth on the Cumberland River. His boat was destroyed by Confederate troops in the Cumberland River. The court in its early findings, during the early part of the war or shortly after the war was of opinion that he was not loyal, but later on he was considered as loyal, and the records prove it.

Mr. SCHAFFER. The record shows that he was operating this boat in a semimilitary way. This bill does not cover any payment for corn or hay or things like that that were included in the original claim?

Mr. HOOPER. No. This applies only to the losses of his interest in the steamboat.

Mr. SCHAFFER. Mr. Speaker, I withdraw my objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of C. C. Spiller, deceased, late of Hamilton County, Tenn., the sum of \$8,000, found to be due him by the Court of Claims, in congressional case No. 10549, as appears by Senate Document No. 173, Fifty-ninth Congress, second session, being his share of the reasonable charter value, together with the destruction thereof, of a small steamboat known as the *Paint Rock*, taken and used by the United States, and while in their possession accidentally destroyed and never paid for, all while the said C. C. Spiller, deceased, was a loyal citizen of the United States, as evidenced by the findings or report, dated June 27, 1864, of a board of claims designated by the commanding officer of the Department of the Cumberland, by Special Field Order No. 104, dated April 12, 1864, still of record in the War Department.

Mr. HOOPER. Mr. Speaker, I move that the Senate bill, S. 5787, be substituted for this bill.

The SPEAKER pro tempore. Is it at the desk?

Mr. HOOPER. It is not on the calendar, but it is identical with this bill. It passed the Senate and is identical with this bill.

The SPEAKER pro tempore. We have no record of it here.

Mr. HOOPER. I suggest that the bill be withheld temporarily, and then we can pass the Senate bill.

The SPEAKER pro tempore. The Senate bill is not here.

Mr. HOOPER. Can not this bill be passed over temporarily? I will ask unanimous consent later to return to it.

The SPEAKER pro tempore. I think we shall have to pass this bill, and the gentleman can take it up again if he so desires.

The House bill 11339 was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

THOMAS T. GESSLER

The next business on the Private Calendar was the bill (H. R. 13465) for the relief of Thomas T. Gessler.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That in the administration of the pension laws or of any laws conferring rights, privileges, or benefits upon honorably discharged soldiers and sailors, Thomas T. Gessler shall hereafter be held and considered to have been honorably discharged from the naval service of the United States.

With a committee amendment as follows:

After line 7, insert "Provided, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

LIEUT. DAVID O. BOWMAN, UNITED STATES NAVY

The next business on the Private Calendar was the bill (H. R. 13959) for the relief of Lieut. David O. Bowman, Medical Corps, United States Navy.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the President be, and he is hereby, authorized to place Lieut. David O. Bowman, Medical Corps, United States Navy, in the position on the list of lieutenant commanders in the Medical Corps of the United States Navy, which he would have held had he been commissioned in the said Medical Corps of the United States Navy as of December 10, 1918: *Provided,* That the said Lieutenant Bowman, Medical Corps, shall first establish, in accordance with existing provisions of law, his physical, mental, moral, and professional qualifications to perform the duties of a lieutenant commander in the Medical Corps of the United States Navy: *Provided further,* That no back pay or allowances shall accrue by reason of the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

ANNIE BRUCE

The next business on the Private Calendar was the bill (H. R. 15190) granting six months' pay to Annie Bruce.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That Annie Bruce, widow of Lieut. Frank Bruce, United States Navy, is hereby allowed an amount equal to six months' pay at the rate said Frank Bruce was receiving at the date of his death.

SEC. 2. That the payment of the amount of money hereby allowed and authorized to be paid to said Annie Bruce is authorized to be made from the appropriations for beneficiaries of officers who die while in the service of the United States Navy.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. JOHN H. MERRIAM

The next business on the Private Calendar was the bill (H. R. 16901) for the relief of Capt. John H. Merriam, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. John H. Merriam, Supply Corps, United States Navy, in the amount of \$310, which sum represents a payment made by said officer to the J. H. Nolan Construction Co., April 12, 1916, on public bill No. 1028, contract No. 2180, disallowed by the Comptroller General in the final settlement of the accounts of said officer.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. VICTOR B. TATE

The next business on the Private Calendar was the bill (H. R. 15976) for the relief of Lieut. (Junior Grade) Victor B. Tate, United States Navy, and Paul Franz, torpedo man (third class), United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, the sums of \$300 and \$290, respectively, to reimburse Lieut. (Junior Grade)

Victor B. Tate, United States Navy, and Paul Franz, torpedo man (third class), United States Navy, for money placed for safekeeping with a supply officer of the Navy, and lost by his default.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. GEORGE S. SEIBELS

The next business on the Private Calendar was the bill (H. R. 16887) for the relief of Capt. George S. Seibels, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. George S. Seibels, Supply Corps, United States Navy, in the amount of \$2,778.01, which sum represents payments made to Aviation Chief Machinist's Mate Willie Perry Conway, Fleet Naval Reserve, for retainer pay during the period from October 1, 1922, to June 30, 1926, disallowed by the Comptroller General in Statement of Differences M-23367-N, dated August 4, 1927.

With the following committee amendment:

Page 1, line 4, strike out the initial "S" and insert the initial "G."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

CAPT. CHESTER G. MAYO

The next business on the Private Calendar was the bill (H. R. 16888) for the relief of Capt. Chester G. Mayo, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Capt. Chester G. Mayo, Supply Corps, United States Navy, in the amount of \$2,994.38, which sum represents the aggregate of payments made by said officer on voucher No. 8419 for \$2,400 paid February 23, 1922, under department contract No. 3069 (Yards and Docks No. 4301); on voucher No. 3334 for \$164 paid March 3, 1922; on voucher No. 162 for \$3 paid September 5, 1922; on voucher No. 5182 for \$275 paid July 3, 1922; on voucher No. 3820 for \$15 paid August 11, 1920; and on voucher No. 4708 for \$137.38 paid August 28, 1922, which payments were subsequently disallowed by the Comptroller General.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. WALTER R. GHERARDI

The next business on the Private Calendar was the bill (H. R. 17001) for the relief of Capt. Walter R. Gherardi, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the line selection board of the Navy, as provided by United States Code, title 34, section 292, in its consideration of the officers eligible for consideration for selection for promotion to the grade of rear admiral may base its recommendation in the case of Capt. Walter R. Gherardi upon his comparative fitness for the shore duties of the grade of rear admiral: *Provided*, That in the event of his selection and subsequent promotion he shall be carried as an additional number in grade.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HOMER N. HORINE

The next business on the Private Calendar was the bill (H. R. 9515) for the relief of Homer N. Horine.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. HAWLEY). Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Homer N. Horine, who was a member of Company G, Fourth Regiment Kentucky Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a sergeant of that organization on the 1st day of November, 1898.

With the following committee amendment:

Page 1, line 6, after the word "Infantry," insert the words "shall hereafter be held and considered to have become a member of Company G, Fourth Regiment Kentucky Volunteer Infantry, on the 11th day of July, 1898, and."

The committee amendment was agreed to.

Mr. WARREN. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from North Carolina offers an amendment, which the Clerk will report.

The Clerk read as follows:

Amendment offered by Mr. WARREN: Place a semicolon after the figure "1898," at the end of the bill, and add the following: "*Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM P. FLOOD

The next business on the Private Calendar was the bill (H. R. 13288) to authorize a cash award to William P. Flood for beneficial suggestions resulting in improvement in naval material.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. O'CONNELL. Mr. Speaker, reserving the right to object, I would like to ask the author of the bill or some member of the committee who is going to fix the cash award to Mr. Flood under the proposed legislation.

Mr. SCHAFER. I am not a member of the committee and I am not the author of the bill, but I can state that the Secretary of the Navy will fix the amount, and this bill has the approval of the Secretary of the Navy and the approval of the Director of the Budget.

Mr. O'CONNELL. Is this the ordinary process of legislation?

Mr. SCHAFER. It is the ordinary process for taking care of these cases.

Mr. O'CONNELL. Under the statute?

Mr. SCHAFER. Yes; and this bill has the approval of the Director of the Budget and the Secretary of the Navy.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Navy is hereby authorized, in his discretion and under such rules and regulations as he may have prescribed for a like procedure under the act of Congress approved July 1, 1918 (vol. 40, Stat. L. p. 718), to pay a cash reward to William P. Flood for such designs, inventions, or suggestions as he may have made during his employ in the governmental service which resulted in an improvement in naval material or an economy in manufacturing processes: *Provided*, That such sum as may be awarded to him under this authority shall be paid out of current naval appropriations in addition to his retirement pay or allowances: *Provided further*, That no award shall be paid under this act until the said William P. Flood has properly executed an agreement to the effect that the use by the United States of the designs, inventions, or suggestions made by him shall not form the basis of a further claim of any nature against the United States by him, his heirs, or assigns.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LIEUT. ARTHUR W. BABCOCK

The next business on the Private Calendar was the bill (H. R. 16891) for the relief of Lieut. Arthur W. Babcock, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Arthur W. Babcock, Supply Corps, United States Navy, in the amount of \$402, which sum represents payments made to Willie Perry Conway, aviation chief machinist's mate, Fleet Naval Reserve, for retainer pay during the period from July 1, 1927, to December 31, 1927, disallowed by the Comptroller General in Statement of Differences K-25607-N dated April 28, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LIEUT. ARCHY W. BARNES

The next business on the Private Calendar was the bill (H. R. 16899) for the relief of Lieut. Archy W. Barnes, Supply Corps, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the General Accounting Office is hereby authorized and directed to credit the accounts of Lieut. Archy W. Barnes, Supply Corps, United States Navy, in the amount of \$804, which sum represents payments made to Willie Perry Conway, aviation chief machinist's mate, Fleet Naval Reserve, for retainer pay during the period from July 1, 1926, to June 30, 1927, disallowed by the Comptroller General in statement of differences K-30398-N dated July 31, 1928.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JAMES L. McCULLOCH

The next business on the Private Calendar was the bill (S. 4604) for the relief of James L. McCulloch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of the General Land Office is hereby authorized and directed to recognize as valid the assignments of military bounty land warrant No. 61756 for 160 acres, issued June 19, 1849, under the act of February 11, 1847 (9 Stat. 123), to John Barman, notwithstanding the provisions of section 9 of said act.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HOMER ELMER COX

The next business on the Private Calendar was the bill (H. R. 10611) for the relief of Homer Elmer Cox.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, not to exceed \$147.73, to reimburse Coxswain Homer Elmer Cox, United States Navy, for losses of clothing and other personal effects sustained by him when the U. S. S. *San Diego* was sunk off Fire Island Light on July 19, 1918: *Provided*, That such reimbursement shall be made under regulations to be prescribed by the Secretary of the Navy and upon vouchers to be approved by him.

With the following committee amendment:

Line 5, after the word "reimburse," insert the word "former."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

LEONARD T. NEWTON

The next business on the Private Calendar was the bill (H. R. 15489) for the relief of Leonard T. Newton, pharmacist mate, first class, United States Navy.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is hereby authorized and directed to pay, out of any money in the Treasury not

otherwise appropriated, the sum of \$485 to Leonard T. Newton, pharmacist mate, first class, United States Navy, which sum was deposited by the said Leonard T. Newton while he was serving on the U. S. S. *Henderson*, for safekeeping with a pay clerk of said vessel, who subsequently absconded with said funds and deserted from the naval service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ESTATE OF JAMES GLOVER, DECEASED

The next business on the Private Calendar was the bill (H. R. 9119) for the relief of the estate of James Glover, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. O'CONNELL. Mr. Speaker, I reserve the right to object to get some information on this bill. This is a lot of money, \$25,000, for a Civil War claim.

Mr. HOOPER. I realize, Mr. Speaker, as the gentleman has said, that this seems to be a pretty large sum of money. The committee has cut down the sum very largely from what was originally claimed; but I would ask the gentleman to remember that even if these claims seem large—and they always seem old, of course, because they are survivals of the Civil War or of that period—nevertheless I think that this claim is a just one.

In 1857 a citizen of Pennsylvania and two of his sons went down to Louisiana and established a grist mill in that State. The father came home to Pennsylvania and saw nothing more of his sons for three or four years. One of the sons was taken prisoner, as a loyalist to the United States, by the Confederate soldiers. The other one escaped into the swamps, and later on came back into the neighborhood where the grist mill was and was captured and put in prison.

This grist mill is inventoried very carefully in the information which we have had before us. The grist mill was taken first by Confederate troops, and then—as I recall the evidence in the case—was seized and burned by Union troops in order to prevent it from falling into the hands of the Confederates operating in that vicinity.

Mr. O'CONNELL. Will the gentleman yield?

Mr. HOOPER. Certainly.

Mr. O'CONNELL. Where has the claim been since it was originally incurred?

Mr. HOOPER. The claim has never been through the Court of Claims.

Mr. UNDERHILL. Where has it been all this time?

Mr. HOOPER. The claim has been pigeonholed in the committees.

Mr. UNDERHILL. What has become of the policy of the War Claims Committee with reference to these Civil War cases? The committee did adopt the policy at one time in this House of refusing to go back to these cases, but this is the second or third one that has been brought out here to-night.

Mr. HOOPER. I will answer the gentleman's question, and very gladly. The War Claims Committee did have for a good many years a policy that no claim growing out of the Civil War should be considered in this Congress. Four years ago when I came here, with other new men coming in, some of us thought that it was not just for the United States Government, as strong and rich and powerful as it is, to have old, unpaid, and unliquidated claims kicking around here year after year and never to dispose of them. The gentleman may object, but I am going to get this out of my system. Finally we came to the conclusion that if a plain majority of the committee, whether Republican or Democrat, southern or northern, favored it we would take up these claims. We have done it and the committee has considered those claims as carefully as we can. We have passed out only just and honest claims.

Mr. UNDERHILL. I would like to ask the gentleman from Kansas if he approves of this change of policy?

Mr. STRONG of Kansas. Three years ago the War Claims Committee was attacked on the floor of the House by half a dozen Members, and after that the Senate began the policy of attaching to bills from the War Claims Committee bills rising from the Civil War, and to meet the attempt of Senators and Members we thought we would, by a majority vote, send these bills to a subcommittee for consideration.

Mr. UNDERHILL. Are you going back to the War of 1812 and the Revolution?

Mr. LaGUARDIA. We had a bill reported out of our committee for the War of 1812.

Mr. HOOPER. Will gentlemen allow me one more statement: I do not know whether it is a proper policy or not, but I have been one of those, and there are many others, who feel that if there is no statute of limitations running against the Gov-

ernment, the Government ought not to continue, even after the lapse of years, to neglect to do justice to people having these honest claims.

Mr. O'CONNELL. Up to the third generation.

Mr. HOOPER. I realize that we have claims going back to the War of the Revolution, but the mere lapse of time does not make an honest claim bad.

Mr. O'CONNELL. I want to say that I have the profoundest respect for the distinguished chairman of the Committee on Claims, with whom I served for many years, and if the bill gets by him it must be pretty nearly right.

Mr. UNDERHILL. Mr. Speaker, reserving the right to object, I think it is time that the House put a stop to going back three and four and five generations on claims that have been refused heretofore by Congress after Congress. We are getting into a liberal mood, and we are giving away from the Public Treasury funds that are raised by taxation to people who have really no more claim in justice to the amounts awarded than I have.

Mr. STRONG of Kansas. Will the gentleman yield?

Mr. UNDERHILL. Yes.

Mr. STRONG of Kansas. I would like to say that this bill has not been rejected by Congress, and is not an unjust claim. It is a just claim.

Mr. UNDERHILL. The House has time and again determined against the French spoliation claims, so much so, that it has not considered them, and those claims have the prestige of having been reported out of the Court of Claims.

Mr. LAGUARDIA. I would like to ask the gentleman from Kansas how proof can be had of these old claims?

Mr. STRONG of Kansas. They come from affidavits of people who claim to know the facts. I want to say that this claim was sent to the subcommittee by a majority of the committee.

The subcommittee holds hearings, listens to the proof, and makes a report, and then the bills are passed only by a majority of the full committee. In every case these bills have been reported out by a unanimous vote.

Mr. LAGUARDIA. With all that, I will say that none of these claims dating away back to 1860 and prior thereto can be justified in law, in equity, in morals, in logic, or in common sense.

Mr. STRONG of Kansas. Oh, the gentleman is mistaken about that.

Mr. LAGUARDIA. And if I have left out anything else, I shall be glad to put it in later.

Mr. STRONG of Kansas. I suggest that he say that they are incompetent, irrelevant, and immaterial.

Mr. O'CONNELL. Mr. Speaker, I would like to ask the distinguished chairman of the Committee on War Claims, if there are any lawyers' fees connected with this that he knows of?

Mr. STRONG of Kansas. Not in this case at all.

Mr. UNDERHILL. If this case goes through, you will have a whole lot of them brought here that have been dug up by lawyers.

Mr. STRONG of Kansas. We have passed a good many Civil War claims at this session of Congress.

Mr. LAGUARDIA. I would not brag about it.

Mr. STRONG of Kansas. I do brag about it, because I take the position that if the Government owes a just claim we ought to pay it. If you do not want to pay this because it is old, that is your business.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to the estate of James Glover, deceased, late of Westmoreland County, Pa., the sum of \$72,565 for use and destruction of property by the military authorities of the United States during the late War of the Rebellion.

With the following committee amendment:

Line 7, strike out "\$72,565" and insert in lieu thereof "\$25,000 in full settlement."

The committee amendment was agreed to and the bill was ordered to be engrossed and read a third time, was read the third time and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN P. WHIDDON

The next business on the Private Calendar was the bill (S. 4234) authorizing the purchase of certain lands by John P. Whiddon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to issue to John P. Whiddon, of Inverness, Fla., patent for lots 7 and 8, section 8, and lots 4 and 5, section 9, township 19 south, range 20 east, Tallahassee meridian, Fla., upon payment for the same at the rate of \$1.25 per acre.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLESTOWN SAND & STONE CO. OF ELKTON, MD.

The next business on the Private Calendar was the bill (H. R. 11659) for the relief of the Charlestown Sand & Stone Co. of Elkton, Md.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. -Mr. Speaker, I object.

Mr. STRONG of Kansas. Mr. Speaker, will the gentleman reserve his objection?

Mr. SCHAFER. Yes.

Mr. GOLDSBOROUGH. Mr. Speaker, in August, 1917, the Charlestown Sand & Stone Co. entered into a contract with the United States Engineers to furnish and deliver to Fort Saulsbury in Delaware certain quantities of cement, sand, and gravel at a certain price. In January, 1918, the Government took charge of the railroads, and in April and again in June, the Government raised the freight rates. A little later they started condemnation proceedings against this company. The company then allowed the Government to take charge of its property and to have the property run under the Government's supervision. The consequence was that they loaded this concern, which had a capacity of about 5 carloads a day, with from 18 to 20 carloads, so that at the end of the Government's control it cost those people \$12,000 to refit their plant and get it back in proper condition. In addition to that, when the Government was running the plant under its supervision, it took out the stone from the top and instead of dumping it in the regular dump, they put it on top of other stone and rendered that of no value, so that the company's loss was \$36,000. But all this bill is reported out for is the actual loss in freight rates due to the fact that the Government, which was the person with whom the Charlestown Sand & Stone Co. had a contract, raised the freight rates.

Mr. SCHAFER. Why single out this company and make an adjustment for freight rates? Are there not hundreds and thousands of other companies that are in the same situation by reason of increased freight rates at that time?

Mr. GOLDSBOROUGH. No. No; because both the War Department and the Navy Department immediately after this bid changed their contract so that those contracts provided that there should be a change in compensation commensurate always with the change in freight rates.

Mr. SCHAFER. Did that apply to all contracts where freight rates entered into the matter?

Mr. GOLDSBOROUGH. Yes.

Mr. SCHAFER. That will clear up that point in my mind. Here is another point. We are at the close of the session. The bill passed the Senate carrying an amount of \$18,547.88, which included \$6,161.89 by reason of an increase in the cost of sand and gravel.

Mr. GOLDSBOROUGH. No; it was an increase in the cost of production.

Mr. SCHAFER. Yes; but this contract was made several months after the war was declared, and I am absolutely opposed to making an adjustment on that part of the claim. If I am assured by the gentleman and by the chairman of the committee reporting this bill that the gentleman and that the committee will see to it that in the closing days of the session this amount of \$6,161.89 is not inserted, due to a parliamentary situation in a conference, I shall not object to the consideration of the bill.

Mr. GOLDSBOROUGH. Absolutely not, sir. It was agreed in the subcommittee that this claim should be cut down to the freight rate, and that is all that was left in.

Mr. SCHAFER. Will the gentleman who now has the floor and the committee try to stop every effort to include the \$6,161.80 in conference?

Mr. GOLDSBOROUGH. I would consider it bad faith not to do so.

Mr. STRONG of Kansas. I try to carry out the wishes of the committee and of the House.

Mr. SCHAFER. Mr. Speaker, I will withdraw my objection. The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to the Charlestown Sand & Stone Co., of Elkton, Md., out of any money in the Treasury not otherwise appropriated, the sum of \$18,547.88, in full settlement of the additional freight charges and the increased cost of labor and materials incurred by said company in the fulfillment of the requirements of the United States engineer office under the contract of August 23, 1917, for furnishing and delivering cement, sand, and gravel (or broken stone) to Fort Salisbury, Del., for the construction of gun and mortar batteries.

With committee amendments as follows:

Page 1, line 7, strike out "\$18,547.88" and insert "\$12,385.99."

On page 2, line 4, strike out "Salisbury" and insert in lieu thereof "Saulsbury."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The SPEAKER pro tempore. The question is on the engrossment and third reading of the bill.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

CHARLES H. YOUNG

The next business on the Private Calendar was the bill (H. R. 15900) for the relief of Charles H. Young.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I notice that the committee report indicates that the department has made a thorough investigation and has recommended an allowance of \$580.38 following that investigation, which amount was not acceptable to the claimant. Now, they have a bill to submit the matter to the Court of Claims. Is there any limit as to the amount we shall have to pay under this procedure if the Court of Claims should find favorably for the claimant?

Mr. SINCLAIR. The Court of Claims will adjudicate it as the evidence in the case indicates.

Mr. SCHAFER. In the District of Columbia there are strange actions by some of the courts these days.

Mr. SINCLAIR. I think the gentleman will find that most cases have been decided justly and equitably.

Mr. SCHAFER. When the bill was before your committee was there any estimate of the amount of the claim? What amount was claimed by the party who is asking for the passage of this bill?

Mr. SINCLAIR. I believe the difference between the Government and the claimant was something like \$200. I have not had opportunity to look the bill over carefully, and I do not recall the exact amount. I think, however, that the difference between the Government and the claimant is about \$230.

Mr. SCHAFER. If that is so, I shall not object.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That the Court of Claims of the United States be, and hereby is, given jurisdiction to hear and determine the claim of Charles H. Young and to render judgment against the United States for damages, if any, suffered by reason of the occupancy by the United States between June 30, 1917, and November 30, 1919, of two parcels of land, with buildings and improvements, situated in Middlesex County, Mass., containing 64 acres, more or less, as conveyed by two deeds from Lincoln F. Spear to Charles H. Young, recorded in Middlesex County registry of deeds, dated July 23, 1914, book No. 3901, page 501, and September 2, 1915, book No. 3996, page 544.

Sec. 2. Such claim may be instituted at any time within four months from the approval of this act, notwithstanding lapse of time or any statute of limitations.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

RELIEF OF THE UNIVERSITY OF KANSAS

The next business on the Private Calendar was the bill (H. R. 15942) for the relief of the University of Kansas.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection?

Mr. WARREN. I object.

The SPEAKER pro tempore. Objection is heard.

Mr. STRONG of Kansas. Mr. Speaker, I would like to have the gentleman from Michigan [Mr. HOOPER] or some other gentleman explain the bill to the gentleman.

Mr. HOOPER. I am not going to make any more speeches this evening on any of these bills.

Mr. WARREN. If the gentleman will allow me to interrupt him—

Mr. HOOPER. Certainly—

Mr. WARREN. I understand the few bills remaining over on this calendar will be called up again before March 4. This is a most unusual bill.

Mr. HOOPER. I will admit that it is out of the ordinary.

Mr. WARREN. This happened six years prior to the outbreak of the Civil War.

Mr. HOOPER. I think that is true.

Mr. WARREN. I would like to have this bill passed over.

Mr. HOOPER. On the question of jurisdiction, I am sure that comes into the gentleman's mind as to why this comes here as a war claim. It came before the Committee on Claims first and they held that they did not have jurisdiction, and then it was sent to the War Claims Committee, which took jurisdiction of it. I hope the gentleman will examine into that matter carefully.

The SPEAKER pro tempore. Without objection, the bill will be passed over without prejudice.

There was no objection.

The SPEAKER pro tempore. The Clerk will report the next bill.

FRENCH STEAMSHIPS "P. L. M. 4" AND "P. L. M. 7"

The next business on the Private Calendar was the bill (H. R. 16691) to authorize the Secretary of War to settle the claims of the owners of the French steamships *P. L. M. 4* and *P. L. M. 7* for damages sustained as the result of collisions between such vessels and the U. S. S. *Henderson* and *Lake Charlotte*, and to settle the claim of the United States against the owners of the French steamship *P. L. M. 7* for damages sustained by the U. S. S. *Pennsylvanian* in a collision with the *P. L. M. 7*.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to settle the claims of the Compagnie des Chemins de Fer de Paris à Lyon et à la Méditerranée in the sums of 12,401 pounds sterling 2 shillings 8 pence and 1,384 pounds sterling 15 shillings 9 pence, amounting in all to 13,785 pounds sterling 18 shillings 5 pence, for damages sustained by the French steamship *P. L. M. 4* in a collision with the U. S. S. *Henderson*, in the roadstead of St. Nazaire, France, on October 14, 1917, and for damages sustained by the French steamship *P. L. M. 7*, in a collision with the U. S. S. *Lake Charlotte*, in the roadstead at Brest, France, on August 25, 1918; and that the Secretary of War be, and he is hereby, authorized and directed to settle at the same time the claim of the United States against the Compagnie des Chemins de Fer de Paris à Lyon et à la Méditerranée in the sum of \$51,598.04 for damages sustained by the U. S. S. *Pennsylvanian* in the roadstead at Brest, France, on February 13, 1918: *Provided*, That the sums claimed by the said Compagnie des Chemins de Fer de Paris à Lyon et à la Méditerranée shall be offset against the sum claimed by the United States, and upon exchange of releases, such offset settlement shall be accepted by the claimant company and the United States as full and final settlement of all claims whatsoever arising from the collisions described in this act.

With committee amendments as follows:

Page 2, line 6, after the word "on," insert "or about."

On page 2, after line 14, insert "in a collision."

On page 2, line 16, after the figures "1918," insert "with the French steamship *P. L. M. 7*."

The SPEAKER pro tempore. The question is on agreeing to the committee amendments.

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

MINA BINTLIFF

The next business on the Private Calendar was the bill (S. 3002) for the relief of Mina Bintliff.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the act entitled "An act to provide compensation for employees of the United States suffering injuries while in the performance of their duties, and for other purposes," approved September 7, 1916, as amended, Mina Bintliff shall be held and considered to be the dependent mother of Charles Bintliff, who was killed in the performance of his duties as a prohibition enforcement officer.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HARRY E. GOOD

The next business on the Private Calendar was the bill (S. 3233) for the relief of Harry E. Good, administrator de bonis non of the estate of Ephraim N. Good, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to redeem in favor of Harry E. Good, of Winamac, Ind., administrator de bonis non of the estate of Ephraim N. Good, deceased, United States registered notes Nos. G-711353, for \$50, G-742262, G-742263, G-722406, for \$100 each, G-191976 and G-76576, for \$500 each, of the Victory Liberty loan 4½ per cent convertible gold notes of 1922-23, inscribed "Ephraim N. Good," with interest at the rate of 4½ per cent from December 15, 1922, to May 20, 1923, said notes having been stolen in the robbery of the First State Bank of Star City, Ind., after having been assigned in blank but not acknowledged before any officer as required by the regulations of the Treasury Department: *Provided*, That said notes shall not have been presented to the Treasury Department for payment: *Provided further*, That said Harry E. Good shall first file with the Treasury Department a bond in the penal sum of double the amount of the principal of the said notes and the unpaid interest which had accrued thereon when the principal became due and payable in such form and with such surety or sureties as may be acceptable to the Secretary of the Treasury, with condition to indemnify and save harmless the United States from any loss on account of the notes herein described.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROY M. LISSO

The next business on the Private Calendar was the bill (S. 4819) for the relief of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.).

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to adjust and settle the claim of Roy M. Lisso, liquidating trustee of the Pelican Laundry (Ltd.), on account of work performed in May, June, and July, 1918, by the Pelican Laundry (Ltd.), the French Unique, and the Frazee Hat Co. in laundering and dry cleaning equipment of the United States Army, and to allow said claim in an amount not exceeding \$17,212.65 in full and final settlement of any and all claims arising out of work performed by either or all of said companies during the period mentioned. The sum of \$17,212.65, or so much thereof as may be necessary, is hereby appropriated out of any money in the Treasury not otherwise appropriated for the payment of said claim.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

T. L. YOUNG AND C. T. COLE

The next business on the Private Calendar was the bill (S. 4848) for the relief of T. L. Young and C. T. Cole.

The Clerk read the title of the bill.

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The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to relieve T. L. Young and C. T. Cole from the payment of the judgment recovered on the bond for the sum representing the amount of the bond they signed as surety for C. A. Walters, who was subsequently rearrested and produced in court: *Provided*, That the defendants, T. L. Young and C. T. Cole, pay the costs in the case of the United States against C. A. Walters and others, being case No. 2566 of the term of the District Court of the United States held at Kansas City, in said district, beginning on the 6th day of October, 1924, and also the cost of apprehending the said C. A. Walters, said costs to be determined and certified to the Secretary of the Treasury by the Attorney General.

With the following committee amendment:

On page 2, in line 5, after the word "General" insert a colon and add the following proviso:

"*Provided further*, That the defendants, T. L. Young and C. T. Cole, pay the costs in case No. 2613."

The committee amendment was agreed to.

The bill as amended was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MARY MURNANE

The next business on the Private Calendar was the bill (H. R. 3738), for the relief of Mary Murnane.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay the sum of \$10,000 to Mary Murnane, of New Haven, Conn., in compensation for injuries sustained January 19, 1926, in the city of New Haven, Conn., when struck by a United States Post Office Department motor vehicle.

With the following committee amendments:

In line 4, after the word "authorized," insert the words "and directed," and after the word "pay" insert the words "out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government."

In line 6, strike out the sign and figures "\$10,000" and insert the sign and figures "\$100."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHESLEY P. KEY

The next business on the Private Calendar was the bill (H. R. 14873) for the relief of Chesley P. Key.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, and in full settlement against the Government, to Chesley P. Key, of Collinsville, Ill., the sum of \$5,000 for injuries of a permanent nature to his spine received when the skylight in the Collinsville post office fell upon him while a patron of said post office on October 27, 1918.

With the following committee amendments:

In line 5, after the word "appropriated," insert the words "and in full settlement against the Government."

In line 7, strike out the sign and figures "\$5,000" and insert in lieu thereof the sign and figures "\$3,500."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLARA THURNES

The next business on the Private Calendar was the bill (H. R. 4813) for the relief of Clara Thurnes.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized to pay to Clara Thurnes, of Chicago, Ill., the sum of \$5,000 because of physical injury and damages sustained by her when she was struck by a truck, owned and operated by the War Department, on August 3, 1920.

With the following committee amendments:

Line 4, after the word "authorized" insert the words "and directed," and after the word "pay" insert the words "out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government."

Line 7, strike out the sign and figures "\$5,000" and insert in lieu thereof the sign and figures "\$2,500."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

JACK MATTSON

The next business on the Private Calendar was the bill (H. R. 8401) for the relief of Jack Mattson.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Jack Mattson, of Astoria, Oreg., out of any money in the Treasury of the United States not otherwise appropriated, the sum of \$5,500, in full compensation for injuries sustained by him while in the employ of the United States Engineers in the construction of jetties at the mouth of the Columbia River, Oreg.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MARY AGNES RODEN

The next business on the Private Calendar was the bill (H. R. 14952) to reimburse the estate of Mary Agnes Roden.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$5,515.48 to Sophie T. Walsh, administratrix of the estate of her deceased sister, Mary Agnes Roden, in full settlement of all claims against the Government of the United States for injuries received by said Mary Agnes Roden on December 11, 1926, when a United States mail truck collided with her at Lexington Avenue and Thirty-fourth Street, New York City.

With the following committee amendment:

In line 5, strike out "\$5,515.48" and insert in lieu thereof "\$5,000."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ETTA PEARCE FULPER

The next business on the Private Calendar was the bill (S. 5453) authorizing the payment of Government life insurance to Etta Pearce Fulper.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Mr. Speaker, I reserve the right to object to state that I intend to offer an amendment to limit attorneys' fees to \$10, and in a few words I want to give the reasons before the bill passes the objection stage.

Under the World War veterans' act as amended, an attorney could receive but \$10 for taking up a case like this with the Veterans' Bureau. It appears that this man under a strict interpretation of the law was not entitled to take Government war-risk insurance because he was not in the active military service of the Federal Government. However, he executed an application in good faith at the time he was a member of the New Jersey Militia. This application was accepted by the Veterans' Bureau, he paid his premiums on the war-risk insurance in good faith, and applied for conversion under the law, and the application for conversion was favorably acted upon. Premiums were paid on the converted policy until the time of his death. In all fairness and justice the widow is entitled to re-

ceive this \$10,000 Government insurance, and I serve notice that I intend to offer an amendment to have the attorneys' fees in the case limited the same as they are limited in war-risk insurance cases under existing law, in order to protect the widow and to see that no attorney or agent receives more than he would be able to receive under the general provisions of the World War veterans' act.

Mr. O'CONNELL. Will the gentleman yield?

Mr. SCHAFER. I yield.

Mr. O'CONNELL. It is all right for us to offer such an amendment to this bill and tell the recipient of the money that \$10 is all she can pay the lawyer under the bill, but what is to prevent her from giving the lawyer whatever she wants when the money is paid to her?

Mr. SCHAFER. I will state that I have an amendment in the usual form which the Claims Committee generally puts on these bills where they desire to limit the fees of attorneys. It is a pretty strict enactment, and if there is a violation the lawyer would be subject to a fine and would, therefore, be subject to disbarment. This is as far as I can go to help this widow. If the amendment is not acceptable, I shall have to object to the consideration of the bill.

Mr. O'CONNELL. Offer the amendment and let us get along with the bill.

The SPEAKER pro tempore. Is there objection.

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Director of the United States Veterans' Bureau is authorized and directed to pay to Etta Pearce Fulper, widow of William H. Fulper, late second Lieutenant, supply officer, Second Battalion, New Jersey State Militia, the amount of his Government life insurance policy No. K-446185, as if such William H. Fulper had been in Federal service when such policy was issued.

Mr. SCHAFER. Mr. Speaker, I offer an amendment.

The SPEAKER pro tempore. The gentleman from Wisconsin offers an amendment which the Clerk will report.

The Clerk read as follows:

Amendment by Mr. SCHAFER: At the end of the bill, in line 9, after the word "issued," strike out the period, insert a colon, and add the following: "Provided, That no part of the money appropriated in this act in excess of \$10 thereof shall be paid or delivered to or received by any agent or agents, attorney or attorneys, on account of services rendered in connection with the said claim. It shall be unlawful for any agent or agents, attorney or attorneys, to exact, collect, withhold, or receive any sum which in the aggregate exceeds \$10 of the amount appropriated in this act on account of services rendered in connection with said claim, any contract to the contrary notwithstanding. Any person violating the provisions of this act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined in any sum not exceeding \$1,000."

The amendment was agreed to.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN W. ELKINS, JR.

The next business on the Private Calendar was the bill (H. R. 10912) to reimburse or compensate Capt. John W. Elkins, Jr., for part of salary retained by War Department and money turned over to same by him.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury of the United States not otherwise appropriated, to John W. Elkins, Jr., former recreation officer at Fort Benning, Ga., but now a captain in the United States Army at Davidson, N. C., the sum of \$940, the same being in full compensation of the amount remaining due on his salary because of the stoppage of pay arising out of a shortage found in the motion-picture fund at Fort Benning, Ga., in 1924, due to embezzlement by a subordinate officer.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

JOHN BOWIE

The next business on the Private Calendar was the bill (H. R. 13801) for the relief of John Bowie.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to John Bowle, of Annapolis Junction, Md., out of any money in the Treasury not otherwise appropriated, the sum of \$12,000 for damage to his farm in Anne Arundel County, Md., on account of the occupation by the United States Army during the years 1917, 1918, and 1919.

With the following committee amendment:

In line 6, strike out the figures "\$12,000.00" and insert the figures "\$2,610.00."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

W. H. PARSONS

The next business on the Private Calendar was the bill (H. R. 15424) for the relief of Dr. W. H. Parsons.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Reserving the right to object, I notice that there is an adverse report on this bill from the Secretary of War. It appears that the veteran was sent to a hospital but elected to go on home and while there incurred medical bills while on the furlough.

Mr. WHITE of Maine. I think, Mr. Speaker, the report of the War Department is inaccurate and misleading. This is not the usual case of a man on furlough incurring medical treatment while on a furlough. This man was in the military service stationed at Fort McKinley, Portland, Me. He came down with the measles which developed into pneumonia. He was hospitalized, and after some time his life was despaired of. After some time the man was sent to his home in the belief that only by that act could the man's life be saved. His mother was sent for. He was, with the concurrence of the military authorities and his mother, placed upon a boat and started for home. At a point about 16 miles from his home he was unable to go farther. He remained there some time but subsequently went on home. His condition again became critical and this doctor was called in to treat the case as an emergency case.

From that time on, almost until the time the man was discharged, the doctor was in attendance. He made telephone reports and reports by letter of the man's condition to the medical authorities, and a captain of the Medical Department, and a lieutenant of the Medical Department came to the man's home and consulted with the doctor. From time to time the medical authorities extended the man's furlough; from April until September there were various extensions of the furlough by the military authorities. Ultimately the man was discharged.

This case resolves itself into a simple proposition whether this country doctor—and if there ever was a good samaritan it is the country doctor—who was called upon and treated this man, should treat this man, taking the chances that he would be paid, or leave the soldier to die. He treated this man and saved his life, and the single issue before Congress is whether the doctor must bear the burden, or whether the Government should pay it.

Mr. SCHAFER. In view of the gentleman's statement I will withdraw my objection. I will state that if the gentleman had incorporated his statement in the committee report it would have saved considerable time. [Laughter and applause.]

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, the sum of \$663.17 to Dr. W. H. Parsons, Damariscotta, Me., for professional services rendered Austin V. Sproul, private, Battery E, Fifty-fourth Artillery, while on furlough during the period from April 27, 1918, to September 6, 1918.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

GILLIAM GRISSOM

The next business on the Private Calendar was the bill (H. R. 8097) for the relief of Gilliam Grissom.

The Clerk read the title of the bill.

The SPEAKER pro tempore (Mr. SNELL). Is there objection?

Mr. WARREN. Mr. Speaker, I ask unanimous consent to substitute S. 2695, an identical bill with the House bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the Senate bill, as follows:

An act (S. 2695) for the relief of Gilliam Grissom

Be it enacted, etc., That the Comptroller General of the United States is hereby authorized and directed to allow credit in the account of Collector of Internal Revenue Gilliam Grissom, North Carolina district, in the sum of \$567.63 to cover disallowance due to overpayment of subsistence to Deputy Collector A. S. Mitchell, which was incurred in the months of March, April, May, June, and July, 1926.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

The House bill was laid on the table.

JAMES ALBERT COUCH, ALIAS ALBERT COUCH

The next business on the Private Calendar was the bill (H. R. 17034) for the relief of James Albert Couch, alias Albert Couch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James Albert Couch, alias Albert Couch, who was a member of Company E, Forty-fourth Regiment United States Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 18th day of February, 1901: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. EDWARD V. RICKENBACKER

The next business on the Private Calendar was the bill (H. R. 12674) authorizing the President of the United States to present in the name of Congress a congressional medal of honor to Capt. Edward V. Rickenbacker.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to award a congressional medal of honor to Edward V. Rickenbacker, formerly captain in the Air Service of the Army of the United States, for displaying unusual heroic courage and skill as an aviator during the World War, and because on numerous occasions he attacked enemy airplanes and balloons, some of the battles being within the enemy lines, and because he was officially credited with 25 victories against enemy airplanes and balloons for which he was awarded the distinguished-service cross of the United States for extraordinary heroism in action and various bronze oak leaves each in lieu of an additional distinguished-service cross, giving him the title of American ace of aces, and for which he was awarded the following foreign decorations: The *croix de guerre* on two occasions by the Republic of France and the French Legion d'Honneur "chevalier."

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

STEPHEN COLE

The next business on the Private Calendar was the bill (H. R. 16291) for the relief of Stephen Cole, alias Steven Cole.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Stephen Cole, alias Steven Cole, who was a private in Company D, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 7th day of April, 1874: *Provided*, That no bounty, pension, pay, or allowance shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS W. BATH

The next business on the Private Calendar was the bill (H. R. 16732) to correct the military record of Thomas W. Bath.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas W. Bath, who was first lieutenant and assistant surgeon in the Second Regiment Illinois Volunteer Infantry, Spanish War, shall hereafter be held and considered to have been honorably discharged from the military service of the United States, credited with 90 days' service, and eligible to all benefits accruing under the law of May 1, 1926, and all acts amendatory thereto: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

Page 1, line 9, after the word "States," insert "April 26, 1899."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended to read: "A bill for the relief of Thomas W. Bath."

MARMADUKE H. FLOYD

The next business on the Private Calendar was the bill (H. R. 16364) for the relief of Marmaduke H. Floyd.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Marmaduke H. Floyd, who was a first lieutenant in the Three hundred and fourth Stevedore Regiment, Quartermaster Corps, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as an officer of said regiment on the 22d day of March, 1918: *Provided*, That no pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendments:

Line 10, after the word "no," insert the word "back"; and after the word "pay" insert the word "bounty."

The committee amendments were agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

E. GELLERMAN

The next business on the Private Calendar was the bill (S. 5514) for the relief of E. Gellerman, doing business under the name of Lutz-Berg Motor Co., at Denver, Colo.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States is authorized and directed to recognize as valid and binding the assignment by Walter G. Kuhn, formerly of Denver, Colo., and whose present whereabouts is unknown, to E. Gellerman, doing business under the name of the Lutz-Berg Motor Co., at Denver, Colo., of the former's claim against the United States, amounting to \$94.65, arising out of an accident involving a United States mail truck, which occurred on November 29, 1927; the provisions of title 31, section 203, United States Code (sec. 3477 of the Revised Statutes of the United States), being expressly waived.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

DALE S. RICE

The next business on the Private Calendar was the bill (H. R. 14089) for the relief of Dale S. Rice.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to pay to Dale S. Rice, of Okanogan, Wash., the sum of \$606.52 as reimbursement for moneys paid by the said Dale S. Rice in purchase of lands under an additional homestead entry, serial No. Spokane 013980, made by him December 15, 1919, and canceled July 2, 1927.

Sec. 2. That there is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, \$606.52 for the payment of said sum to said Dale S. Rice, as provided in the foregoing section.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PATRICK P. RILEY

The next business on the Private Calendar was the bill (H. R. 14137) for the relief of Patrick P. Riley.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Patrick P. Riley, who served as a member of Company D, Twelfth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from said service on the —: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

With the following committee amendment:

After the word "the," in line 8, insert "11th day of July, 1883."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LOUISE A. WOOD

The next business on the Private Calendar was the bill (S. 61) granting an increase of pension to Louise A. Wood.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I intend to ask that the committee amendment be rejected. I was glad that we passed a bill by unanimous consent to-day granting a \$5,000 pension to the widow of former President Wilson. I believe we should grant the same amount to the widow of this very distinguished general of the Army, statesman, and former Governor of the Philippine Islands.

Mr. LA GUARDIA. Mr. Speaker, this is a Senate bill, and if we pass the Senate bill as it is it will mean something to Mrs. Wood. If we pass the bill with the House committee amendment it may be defeated. General Wood rendered 40 years' valuable service to the United States and died a poor man.

Mr. SCHAFER. I agree with the gentleman from New York. The SPEAKER pro tempore. Is there objection?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of the Interior be, and he is hereby, authorized and directed to place on the pension roll, subject to the provisions and limitations of the pension laws, the name of Louise A. Wood, widow of Leonard Wood, late a major general in the United States Army, and pay her a pension at the rate of \$5,000 per year in lieu of that she is now receiving.

With a committee amendment, as follows:

In line 8, strike out the figures "\$5,000" and insert "\$1,800."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

Mr. SCHAFER. I hope that the committee amendment will be defeated by a unanimous vote. This afternoon we passed by unanimous consent a pension for the widow of former President Wilson at \$5,000 a year. There remains only a few days of this session of Congress. The pending bill as passed by the Senate by a unanimous vote carried \$5,000. Vote down the committee amendment and pass this bill as it came to us from the Senate carrying \$5,000, so that the bill can speed on its way to the

other end of the Avenue to-night and do justice to the widow of one of the greatest American soldiers and statesmen.

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The question was taken, and the committee amendment was rejected.

The SPEAKER pro tempore. The question is the third reading of the Senate bill.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

GEORGE B. SPEARIN, DECEASED

The next business on the Private Calendar was the bill (S. 1678) for the relief of the estate of George B. Spearin, deceased.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. WARREN. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

DONATION OF A BRONZE CANNON TO THE CITY OF PHOENIX, ARIZ.

The next business on the Private Calendar was the bill (S. 5270) to authorize the Secretary of War to donate a bronze cannon to the city of Phoenix, Ariz.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read as follows:

Be it enacted, etc., That the Secretary of War is authorized and directed to donate, without expense to the United States, to the city of Phoenix, Ariz., a bronze cannon marked as follows: "L'Obstinee ultima ratio regum no 4. Pluribus nec impar a Strassburg par Berenger 1756," now located at Fort Jay, N. Y.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

HENRY I. POWER

The next business on the Private Calendar was the bill (H. R. 15590) for the relief of Henry I. Power.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws or any laws conferring rights, privileges, or benefits upon persons honorably discharged from the United States Army, Henry I. Power, late of Company I, First Regiment South Carolina Infantry, war with Spain, shall hereafter be held and considered to have served 90 days, or more, of honorable service: *Provided,* That no bounty, pension, pay, or other emoluments shall accrue prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ARTHUR W. TAYLOR

The next business on the Private Calendar was the bill (H. R. 4824) for the relief of Arthur W. Taylor.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Arthur W. Taylor, who was a member of Battery K, Third Regiment United States Volunteer Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 16th day of August, 1899: *Provided,* That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LOUIS VAUTHIER AND FRANCIS DOHS

The next business on the Private Calendar was the bill (H. R. 15703) for the relief of Louis Vauthier and Francis Dohs.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in consideration of their long, honest, and faithful service as civilian instructors of cadets at the United States Military Academy, the Secretary of War be, and he is hereby, authorized to appoint Louis Vauthier and Francis Dohs warrant officers of the Regular Army, and immediately thereafter to place them upon the retired list of warrant officers of the Regular Army: *Provided,* That in determining the length of service for longevity pay and retirement they shall be credited with and entitled to count all service as civilian instructors at the United States Military Academy, whether continuous or not: *Provided further,* That upon retirement for age or otherwise they shall be entitled to all the privileges, pay, and allowances of retired warrant officers of the Regular Army regardless of their age at their appointment to and acceptance of such office: *And provided further,* That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to the appointees hereunder.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

H. E. JONES

The next business on the Private Calendar was the bill (H. R. 16867) for the relief of H. E. Jones.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, and in full settlement against the Government, the sum of \$38.43 to H. E. Jones, to cover the cost of power used to operate a canceling machine in the Bristol post office from February 15, 1921, to April 30, 1923.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CAPT. BENJAMIN MENDEZ

The next business on the Private Calendar was the bill (H. R. 17017) to authorize the President to present the distinguished flying cross to Capt. Benjamin Mendez.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

Mr. McSWAIN. Mr. Speaker, I ask unanimous consent to substitute Senate bill 5749.

The SPEAKER pro tempore. Without objection, the Clerk will report the Senate bill.

There was no objection.

The Clerk read the Senate bill, as follows:

Be it enacted, etc., That the President be, and is hereby, authorized to present the distinguished flying cross to Capt. Benjamin Mendez in recognition of his extraordinary achievement in linking the continents of South and North America by an aerial journey, by seaplane, from the northern Atlantic coast of the United States of America to Giradot, Colombia.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

A similar House bill was laid on the table.

NANNIE C. BARNOLLAR AND OTHERS

The next business on the Private Calendar was the bill (H. R. 17095) to authorize the appointment of Nannie C. Barnollar, Albert B. Neal, and Joseph B. Dickerson as warrant officers, United States Army.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War shall appoint as warrant officers in the Regular Army the three following persons in the field service of the War Department employed at the Army War College, who were eligible for appointment in 1916 as field clerks, and who would have been eligible for appointment as warrant officers if they had been included in the legislation of 1916, namely: Albert B. Neal, chief clerk; Nannie C. Barndollar, librarian; Joseph B. Dickerson, principal clerk of the stenographic section: *Provided*, That in determining length of service for longevity pay and retirement they shall be credited with and entitled to count all service now authorized by law to be counted for like purposes for warrant officers: *Provided further*, That the limitation in the act of June 30, 1922, on the number of warrant officers, United States Army, shall not apply to these appointees: *And provided further*, That nothing herein contained shall operate to decrease or diminish the pay of Nannie C. Barndollar.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES EARL BRIGGMAN

The next business on the Private Calendar was the bill (H. R. 3280) for the relief of James Earl Briggman.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers James Earl Briggman, who served as a member of Company A, Thirtieth Regiment Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from said service on the 10th day of April, 1915: *Provided*, That no back pay, pension, bounty, or other emolument shall accrue prior to the passage of this act.

With the following committee amendment:

In line 6 strike out the words "Regiment Volunteer."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CHARLES DAVIS

The next business on the Private Calendar was the bill (H. R. 12333) for the relief of Charles Davis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed to pay out of the appropriation "Pay of the Army, 1928," to Charles Davis, father of the late Charles L. Davis, private first class, Battery E, Fifty-second Coast Artillery, United States Army, who died on May 9, 1926, the sum of \$279, the amount equal to six months' pay at the rate said Charles L. Davis was entitled to receive at the date of his death.

With the following committee amendment:

Strike out all after the enacting clause and insert the following: "That Charles Davis, father of Charles L. Davis, late private first class, Battery E, Fifty-second Coast Artillery, United States Army, shall be regarded as the duly designated beneficiary and dependent of the late Charles L. Davis, under the act approved December 17, 1919 (41 Stat. 367)."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

THOMAS BARRETT

The next business on the Private Calendar was the bill (H. R. 12960) for the relief of Thomas Barrett.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Thomas Barrett, a private, Company I, Tenth Infantry, Spanish-American War, shall thereafter be held and considered to have been honorably

discharged from the military service of said company and regiment: *Provided*, That no pension, pay, or bounty shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

On page 1, line 8, after the word "regiment" insert the words "on the 22d day of January, 1900."

On page 1, line 9, after the word "pay" insert the word "allowances."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

PUBLIC LIBRARY OF THE CITY OF LOS ANGELES

The next business on the Private Calendar was the bill (H. R. 14663) directing that copies of certain patent specifications and drawings be supplied to the public library of the city of Los Angeles at the regular annual rate.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Commissioner of Patents is authorized and directed to supply to the public library of the city of Los Angeles, at the regular rate of \$50 per annum prescribed by law for public libraries of the United States, uncertified printed copies of patent specifications and drawings published during the years 1915 to 1925, inclusive.

With the following committee amendment:

On page 1, line 8, after the word "inclusive," insert "*Provided*, That the public library of the city of Los Angeles shall pay to the Commissioner of Patents the sum of \$2,500, which sum shall be deposited in the Treasury of the United States in accordance with the provisions of the act of March 6, 1920 (41 Stat. L 512; U. S. C. title 25, sec. 79)."

"Sec. 2. There is hereby authorized to be appropriated, out of any money in the Treasury not otherwise appropriated, for clerical services, stationery, and supplies for carrying into effect this act for the fiscal year ending June 30, 1930, \$2,500, to be expended by the Commissioner of Patents."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LIEUT. JOHN J. POWERS

The next business on the Private Calendar was the bill (H. R. 15293) for the relief of Lieut. John J. Powers, Quartermaster Corps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of War be, and he is hereby, authorized and directed in the administration of the act of August 29, 1916 (39 Stat. 635), to credit the account of Lieut. John J. Powers, Quartermaster Corps, as commissary officer at Maxwell Field, Montgomery, Ala., in the total sum of \$705.80, representing proceeds of sales of subsistence supplies, for which he was held responsible, and which were embezzled by Sergt. James F. Cottingham, Quartermaster Corps, R-757447, United States Army, who deserted the service.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ELIZABETH QUINERLY CUMMINGS

The next business on the Private Calendar was the bill (H. R. 16089) for the relief of Elizabeth Quinerly Cummings.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Elizabeth Quinerly Cummings, of Kinston, N. C., the sum of \$1,000. Such sum shall be in full settlement of all claims against the United States on account of injuries sustained by the said Elizabeth Quinerly Cummings in a collision which occurred in the city of New York, between an automobile being driven by Hugh Dortch, of Goldsboro, N. C., in which she was a passenger, and a truck owned by the United States.

With the following committee amendment:

Page 1, line 6, strike out "\$1,000" and insert "\$100."

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HUGH DORTCH

The next business on the Private Calendar was the bill (H. R. 16090) for the relief of Hugh Dortch.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Hugh Dortch, of Goldsborough, N. C., the sum of \$500. Such sum shall be in full settlement of all claims against the United States on account of injuries to the said Hugh Dortch and to an automobile driven by him, resulting from a collision, occurring in the city of New York, between such automobile and a truck owned by the United States.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ROBERT J. SMITH

The next business on the Private Calendar was the bill (H. R. 16085) for the relief of Robert J. Smith.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, sailors, and marines, Robert J. Smith shall hereafter be held and considered to have been honorably discharged from the military service of the United States on October 6, 1899: *Provided,* That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

ESTATE OF MARTIN PRESTON, DECEASED

The next business on the Private Calendar was the bill (H. R. 10516) for the relief of the estate of Martin Preston, deceased.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the Treasury funds not otherwise appropriated, to the estate of Martin Preston, deceased, late of Johnson County, Ky., the sum of \$3,384.25, in full compensation for quartermaster supplies and commissary stores taken from said Martin Preston for the use of and used by the United States Army during the Civil War in 1862.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

MAJ. O. S. MCLEARY

The next business on the Private Calendar was the bill (H. R. 11001) for the relief of Maj. O. S. McCleary, United States Army, retired.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Reserving the right to object, I would like to find out how the War Claims Committee obtains jurisdiction of this bill. It does not seem to refer, directly or indirectly, to any war period and it has an adverse report from the Secretary of War. The Secretary states that it will establish a dangerous precedent.

Mr. PEAVEY. Mr. Speaker, I will say that I do not know why the bill was referred to the War Claims Committee. It pertains to the Regular Establishment and I suppose for that reason would belong to that committee.

Mr. COLTON. If the gentleman please, this bill was introduced by my colleague, who is detained to-night on account of illness. I do not know as to the jurisdiction between the two committees, but I have investigated and I think the committee has carefully investigated and found that this is a very just

claim and that it is only following a precedent that has been established for years.

The man had asked for a leave of absence; it was granted; it was expected that his pay would continue as it had continued theretofore, and, due to a ruling of the Comptroller General, the rule was changed.

Mr. SCHAFER. Then, it appears that the War Department must have made the adverse report without having all of the facts.

Mr. PEAVEY. I will say to the gentleman that the claim grows out of a change in administration policy on the part of the Comptroller General, and this man had already gone on his leave of absence. Just as soon as he was apprised of the facts about the change, he immediately returned to active duty.

Mr. SCHAFER. But, at the time he went on leave of absence, he would have been entitled to the money which this bill provides?

Mr. COLTON. Yes.

Mr. PEAVEY. The bill grows out of a change in his status while he was on leave of absence.

Mr. SCHAFER. I will not object, but I would suggest that when similar bills are introduced they should be referred to the committee which has jurisdiction.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Comptroller General of the United States be, and he is hereby, authorized and directed to allow credit in the account of Maj. O. S. McCleary, United States Army, retired, in the sum herein set forth which now stands as a disallowance on the books of the General Accounting Office, to wit, the sum of \$148.98 deducted from the pay due Maj. O. S. McCleary for the month of July, 1927.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

THE MACK COPPER CO.

The next business on the Private Calendar was the bill (H. R. 12057) to confer jurisdiction on the Court of Claims to ascertain the damage by the United States to real property of the Mack Copper Co., a corporation, and to render judgment therefor as herein provided.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

Mr. SCHAFER. Reserving the right to object, the title of the bill does not correctly indicate the contents, because the bill is amended and provides for a direct appropriation of \$268,500. The committee report states that part of this claim arises out of the taking of top soil from 200 acres of land, and the report shows that the value of the 200 acres of land is \$200 per acre. The amount arrived at from the taking of the top soil from this 200 acres is \$150,000, while the total value of the 200 acres based on a value of \$200 is only \$40,000.

Mr. PEAVEY. This involves practically 4,000 acres immediately adjacent to the city of San Diego. If the gentleman cares to have me, I can give him the facts.

Mr. SCHAFER. I know what the facts are. Page 8 of the report states that there is \$150,000 damage arrived at by reason of taking the top soil from 200 acres of land.

Mr. PEAVEY. That item is not in this bill at all.

Mr. UNDERHILL. The facts in the case are that the Court of Claims was called upon to render judgment and find the facts, which our committee and other committees have discarded. We now ask the Court of Claims to render judgment in their findings of fact. I do not know by what process they have reached the compromise, but it would seem that if the Court of Claims has made the findings of fact and reported them and the damage to the extent of \$500,000, the Government is lucky to get off for that amount.

Mr. SCHAFER. I do not agree with the distinguished chairman of the Claims Committee. If the findings of the Court of Claims are based on the same facts and the same methods by which they arrived at a damage of \$150,000 as the proper sum to be considered as damage for taking the top soil off of the 200 acres of land valued at \$200 an acre, I would not pay much attention to the findings of fact of said court.

Mr. PEAVEY. Our committee did not find any such value as that. The evidence before our committee was that the land was valued at \$1,000 an acre.

Mr. SCHAFER. Look on page 7 of the report where it states:

XXI. At the time the Government took possession of the 4,000 acres of plaintiff's land, said land was of the value of approximately \$200 per acre. The 1,039 acres of plaintiff's land that were not covered by the lease, but which land was used by the Government, were of the value of \$175 per acre.

Mr. PEAVEY. I do not know from what part of the document the gentleman is reading.

Mr. SCHAFER. I am reading from the Court of Claims findings of fact which appear on the top of page 7 of the committee report.

Mr. PEAVEY. The Court of Claims considered only the legal liability and allowed the further sum of \$150,000 for the removal of the top soil from the 200 acres which was used for a drill ground, but that does not comprehend the value of the whole tract.

Mr. SCHAFER. The bill seems to be a remarkable one. The people gave a lease of this land to the Government. What did they expect the Government to do if they located a camp there? They knew that it would be used for the purposes that it was used for. I shall have to object.

ANNA E. STRATTON

The next business on the Private Calendar was the bill (H. R. 15562) for the relief of Anna E. Stratton.

The Clerk read the title to the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Albert Stratton, who was a member of Company A, Sixty-fifth Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 19th day of September, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

HOMER D. NEUMEISTER

The next business on the Private Calendar was the bill (H. R. 16258) for the relief of Homer D. Neumeister.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Homer D. Neumeister, who was a member of Company G, Seventh Regiment Ohio Volunteer Infantry, shall hereafter be held and considered to have been mustered in July 30, 1898, and honorably discharged from the military service of the United States as a member of that organization on the 6th day of November, 1898: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ADAM A. SCHULTZ

The next business on the Private Calendar was the bill (H. R. 12463), for the relief of Adam A. Schultz.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Adam A. Schultz, late a private, first class, Medical Department, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private, first class, of that organization on the 20th day of May, 1918: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this Act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES J. GIANAROS

The next business on the Private Calendar was the bill (H. R. 13872) for the relief of James J. Gianaros.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That James J. Gianaros, who was honorably discharged from the United States Army as a private, Salvage Company, Quartermaster Corps, January 15, 1919, shall be considered as having been discharged by authority of War Department Circular 106, dated December 3, 1918, pertaining to discharges, instead of War Department Circular 43, dated October 30, 1918.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM S. McWILLIAMS

The next business on the Private Calendar was the bill (H. R. 15021) for the relief of William S. McWilliams.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers William S. McWilliams, who was a member of Troop E, First Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 26th day of July, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

HELEN GRAY

The next business on the Private Calendar was the bill (H. R. 8691) for the relief of Helen Gray.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Helen Gray, of San Diego, Calif., the sum of \$10,715.50 in full settlement of all claims against the Government and as compensation for damage to property and personal injuries to her resulting from her being struck and knocked down by a United States Government truck, then and there, on the 24th day of September, driven by Paul Perry, an enlisted man in the United States Marine Corps, and operated in the service of the United States Marine Corps.

With the following committee amendment:

Line 6, page 1, strike out "\$10,715.50" and insert "\$3,851.50."

The committee amendment was agreed to, and the bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

ROBERT GRAHAM MOSS

The next business on the Private Calendar was H. J. Res. 339, conferring the rank, pay, and allowances of a major of Infantry to date from March 24, 1928, upon Robert Graham Moss, late captain, Infantry, United States Army, deceased.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the joint resolution, as follows:

House Joint Resolution 339

Resolved, etc., That in the settlement of all claims of Mrs. Robert G. Moss as the widow of the late Robert Graham Moss, captain of Infantry, United States Army, who died at Columbus, Ga., on April 6, 1928, and who was entitled to promotion to the grade of major on March 24, 1928, and whose nomination for such promotion was pending in the United States Senate at the time of his death, said Robert Graham Moss shall be regarded as having been promoted to the grade of major on March 24, 1928, and as having been entitled, from and including that date, to the pay and allowances authorized for an officer in the grade of major with his length of service.

The joint resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the joint resolution was agreed to was laid on the table.

T. A. GILLESPIE LOADING CO., MORGAN, N. J.

The next business on the Private Calendar was the bill (H. R. 15769), to pay certain claims, heretofore reported to Congress by the Secretary of War, arising from the explosions and fire at the plant of the T. A. Gillespie Loading Co., at Morgan, N. J., October 4 and 5, 1918.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. PEAVEY. Mr. Speaker, will the gentleman withhold his objection?

Mr. SCHAFER. Yes.

Mr. PEAVEY. As chairman of the subcommittee that reported this legislation I ask unanimous consent that the bill be rereferred to the Committee on Claims for the purpose of amendment.

Mr. SCHAFER. The amendment ought to be to strike out the enacting clause. This bill is the biggest monstrosity that I ever saw on the Private Calendar.

The SPEAKER pro tempore. Is there objection?

Mr. PEAVEY. We ask unanimous consent to have it rereferred to the Committee on Claims.

The SPEAKER pro tempore. Without objection it will be so ordered.

There was no objection.

ARTHUR E. RUMP

The next business on the Private Calendar was the bill (H. R. 13430) for the relief of Arthur E. Rump.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to Arthur E. Rump during his natural life the sum of \$117 per month, to date from the passage of this act, as compensation for injuries sustained while in the line of his duties as registry clerk at the St. Louis (Mo.) post office, said monthly payments to be paid through the United States Employees' Compensation Commission.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOSEPH F. THORPE

The next business on the Private Calendar was the bill (S. 382) for the relief of Joseph F. Thorpe.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. SCHAFER. Mr. Speaker, I object.

Mr. COLTON. Will the gentleman reserve his objection?

Mr. SCHAFER. There seems to be a difference of opinion in the Claims Committee about this bill, and I happened to be attending another meeting when through a very unusual procedure of the Claims Committee it was reported out.

Mr. UNDERHILL. Mr. Speaker, I shall have to object.

Mr. SCHAFER. I object.

LAMIRAH M. THOMAS

The next business on the Private Calendar was the bill (H. R. 8208) for the relief of Lamirah M. Thomas.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

Mr. UNDERHILL. I object.

The SPEAKER pro tempore. Objection is heard. The Clerk will report the next bill.

WIDOW OF EPHRAIM E. PAGE

The next business on the Private Calendar was the bill H. R. 9238) for the relief of the widow of Ephraim E. Page.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon widows of honorably discharged

soldiers, Ephraim E. Page, who was a private in Company K, One hundredth Regiment Illinois Volunteer Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of said company and regiment on the 12th day of June, 1865: *Provided*, That no bounty, pay, or allowance shall be held as accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

BENJAMIN HAGERTY

The next business on the Private Calendar was the bill (H. R. 9699) for the relief of Benjamin Hagerty.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Benjamin Hagerty, who was a member of Company I, Eighth Regiment United States Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 9th day of December, 1899: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

EDWARD M'OMBER

The next business on the Private Calendar was the bill (H. R. 12593) for the relief of Edward McOmber.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill.

The Clerk read as follows:

Be it enacted, etc., That Edward McOmber, late a private of Company H, Twenty-ninth United States Infantry be, and he is hereby, relieved of all disabilities attendant upon the discharge without honor received by him November 19, 1902, pursuant to paragraph 6, Special Orders, No. 281, Headquarters Philippine Division, November 17, 1902, and the Secretary of War is hereby authorized and directed to grant him an honorable discharge.

With a committee amendment as follows:

Strike out all after the enacting clause and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Edward McOmber, who was a member of Company H, Twenty-ninth Regiment United States Infantry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a private of that organization on the 17th day of November, 1902: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

MALCOLM ALLEN

The next business on the Private Calendar was the bill (H. R. 13052) to correct the military record of Malcolm Allen.

The title of the bill was read.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Malcolm Allen, who was a member of Company B, Sixth Regiment United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a

private of that organization on the — day of April, 1894: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With a committee amendment, as follows:

Page 1, line 9, strike out "day of April, 1894," and insert "12th day of June, 1899."

The SPEAKER pro tempore. The question is on agreeing to the committee amendment.

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

The title was amended.

A motion to reconsider the last vote was laid on the table.

The SPEAKER pro tempore. The Clerk will report the next bill.

HARRY HAMLIN

The next business on the Private Calendar was the bill (H. R. 14863) for the relief of Harry Hamlin.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of the pension laws Harry Hamlin shall hereafter be held and considered to have been honorably discharged from the military service of the United States in Troop H, Fourth Regiment, United States Cavalry: *Provided*, That no pension shall accrue prior to the passage of this act.

With the following committee amendment:

Strike out all after the enacting clause and insert the following:

"That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers Harry Hamlin, who was a member of Troop H, Fourth Regiment United States Cavalry, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 28th day of September, 1903: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JAMES LUTHER HAMMON

The next business on the Private Calendar was the bill (H. R. 15405) to correct the military record of James Luther Hammon.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, James Luther Hammon, late of Bakery Company No. 1, Quartermaster Corps, Camp Travis, Tex., shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of that organization on the 8th day of March, 1920: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

The title was amended.

E. O. M'GILLIS

The next business on the Private Calendar was the bill (H. R. 15686) for the relief of E. O. McGillis.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, E. O. McGillis, late of the Seventh Battery, United States Field Artillery, shall hereafter be held and considered to have been honorably discharged from the military service of the United States as a member of that organization on the 16th day of May, 1901.

With the following committee amendment:

In line 9, after the figures "1901" insert the following: "*Provided*, That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act."

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

NELSON KING

The next business on the Private Calendar was the bill (H. R. 15975) for the relief of Nelson King.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That in the administration of any laws conferring rights, privileges, and benefits upon honorably discharged soldiers, Nelson King, who was a member of Company A, Fifth Regiment Vermont Volunteer Infantry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a private of that organization on the 13th day of September, 1864: *Provided*, That no bounty, back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

The bill was ordered to be engrossed and read a third time, was read a third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

CLOTILDA FREUND

The next business on the Private Calendar was the bill (H. R. 6705) for the relief of Clotilda Freund.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay to Clotilda Freund, of Jersey City, N. J., out of any money in the Treasury not otherwise appropriated, the sum of \$7,152 in compliance with the findings of the Court of Claims, Senate Document No. 51 of the first session of the Sixty-fifth Congress.

With the following committee amendments:

On page 1, line 6, after the word "appropriated," insert the words "and in full settlement against the Government."

On page 1, at the end of the bill insert:

"*Provided, however*, That the said Clotilda Freund shall file all agreements with attorneys for the prosecution of this claim against the United States, and the said attorneys shall file a certificate that no attorneys other than those named by the said Clotilda Freund aided or assisted in the prosecution of the said claim, and shall file a full release and a complete discharge of the said Clotilda Freund from any claim for legal or other services, expenses, or disbursements in connection with the prosecution of said claim for the amount of \$2,000 hereby authorized to be allowed. In the settlement of the claim as aforesaid the Comptroller General is directed to furnish to the said Clotilda Freund a copy of said release and discharge and upon application from her or on her behalf to furnish without charge an authenticated copy thereof pursuant to section 306 of the Budget and Accounting Act of June 10, 1921 (U. S. C. title 31, sec. 46)."

The committee amendments were agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

WILLIAM J. M'KENNA

The next business on the Private Calendar was the bill (H. R. 8175) for the relief of William J. McKenna.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of any law conferring rights, privileges, or benefits upon honorably discharged soldiers, William J. McKenna, who served as a captain in the Chemical Warfare Service, shall be held to have been honorably discharged on November 8, 1918: *Provided*, That no back pay, pension, or allowance shall be held to have accrued prior to the passage of this act.

With the following committee amendment:

On page 1, line 7, strike out "1918, provided, that" and insert "1918: *Provided, That.*"

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

LEROY WILBUR ABBOTT

The next business on the Private Calendar was the bill (H. R. 14723) to provide hospitalization for Leroy Wilbur Abbott.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That in the administration of section 202, paragraph 10, of the World War veterans' act approved July 2, 1926, relating to hospitalization, Leroy Wilbur Abbott, late of Troop A, First United States Cavalry, shall hereafter be held and considered to have been discharged honorably from the military service of the United States as a member of said organization on October 5, 1917.

With the following committee amendment:

In line 9, after the figures "1917," insert a colon and the following: "*Provided, That no back pay, bounty, pension, or allowance shall be held to have accrued prior to the passage of this act.*"

The committee amendment was agreed to.

The bill as amended was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

MEMBER OF THE BOARD OF MANAGERS OF THE NATIONAL HOME FOR DISABLED VOLUNTEER SOLDIERS

The next business on the Private Calendar was House Joint Resolution 362, for the appointment of one member of the Board of Managers of the National Home for Disabled Volunteer Soldiers.

The Clerk read the title of the resolution.

The SPEAKER pro tempore. Is there objection to the present consideration of the resolution?

There was no objection.

The Clerk read the resolution, as follows:

Resolved, etc., That John J. Steadman, of California, be, and he is hereby, appointed a member of the Board of Managers of the National Home for Disabled Volunteer Soldiers of the United States, to serve a full term commencing immediately upon the expiration of the term which he is now serving and which expires in January, 1929.

The resolution was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

JOHN D. O'CONNELL

The next business on the Private Calendar was the bill (H. R. 15478) for the relief of John D. O'Connell, first lieutenant, Quartermaster Corps.

The Clerk read the title of the bill.

The SPEAKER pro tempore. Is there objection to the present consideration of the bill?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury is authorized and directed to pay, out of any money in the Treasury not otherwise appropriated, to John D. O'Connell, first lieutenant, Quartermaster Corps, United States Army, a sum not exceeding \$1,024.12, representing the amount of deductions during the months from November, 1927, to date from his pay as first lieutenant, Quartermaster Corps, United States Army, this amount representing money stolen from the United States Government for which he was responsible.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider the vote by which the bill was passed was laid on the table.

FRANCIS X. CALLAHAN

Mr. WARREN. Mr. Speaker, I ask unanimous consent to return to Calendar No. 825, H. R. 15220, a bill for the relief of Francis X. Callahan, which was objected to by me, and I now withdraw my objection.

The SPEAKER pro tempore. Without objection the Clerk will report the bill H. R. 15220, Calendar No. 825.

Mr. SCHAFER. Reserving the right to object, Mr. Speaker, I shall not object. This is a very meritorious bill.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill as follows:

Be it enacted, etc., That the President of the United States be, and he is hereby, authorized to summons Francis X. Callahan, late provisional second lieutenant, temporary first lieutenant, United States Infantry of the Regular Army of the United States, before a retiring board for the purpose of hearing his case, and to inquire into and determine all the facts touching on the nature of his disabilities, and to find and report the disabilities which in its judgment have produced his incapacity, and whether his disabilities are an incident of service; that, upon the findings of such a board the President is further authorized in his discretion either to confirm the order by which the said Francis X. Callahan was discharged or in his discretion to nominate and appoint by and with the advice and consent of the Senate the said Francis X. Callahan, late provisional second lieutenant, temporary first lieutenant, United States Infantry, and place him immediately thereafter upon the retired list of the Army, with the same privileges and retired pay as are now or hereafter may be provided by law and regulations for the officers of the Regular Army: *Provided, That the said Francis X. Callahan shall not be entitled to any back pay or allowances by passage of this act.*

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That any disability incurred in line of duty by Francis X. Callahan while serving as an officer of the Army of the United States during the World War from August 15, 1917, to September 18, 1919, inclusive, shall be deemed and considered to have been so incurred while serving as an officer of the Army of the United States other than as an officer of the Regular Army, so as to entitle said Callahan to the benefits and privileges of the emergency officers' retirement act (Public, No. 506, 70th Cong.): *Provided, That such disability rating is sufficient and said Callahan is otherwise eligible for retirement under the terms and conditions of said act: And provided further, That said Callahan shall not be entitled to any back pay or allowances by the passage of this act.*"

The committee amendment was agreed to.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

CADET ADRIAN VAN LEEUWEN

Mr. STOBBS. Mr. Speaker, I ask unanimous consent to take up the bill (H. R. 7887) placing Cadet Adrian Van Leeuwen on the retired list.

Mr. ROWBOTTOM. The bill is back of the star.

Mr. STOBBS. We have just taken up a bill that was back of the star.

Mr. WARREN. Reserving the right to object, did the gentleman consult the gentleman from Texas [Mr. BLANTON] about the bill?

Mr. STOBBS. No; I have not seen the gentleman from Texas.

Mr. SCHAFER. If newspaper reports are correct, the gentleman from Texas, Mr. BLANTON, is not in Washington.

Mr. WARREN. I have no objection to the bill, but I understand he objected to it.

Mr. STOBBS. The gentleman objected to it after a colloquy with somebody else; but the bill is meritorious.

The SPEAKER pro tempore. Is there objection?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the President of the United States is hereby authorized, by and with the advice and consent of the Senate, to appoint Adrian Van Leeuwen, late cadet at the United States Military Academy, at West Point, to the position of second lieutenant of Infantry in the Army, and to place him upon the retired list with pay of a retired second lieutenant of Infantry.

With the following committee amendment:

Strike out all after the enacting clause and insert:

"That the provisions of the World War veterans' act, 1924, as amended, are hereby extended and made applicable to Adrian Van Leeuwen for the purpose of the allowance to him of compensation and hospital and medical treatment on account of a physical disability contracted in line of duty while a cadet at the United States Military Academy; and the United States Veterans' Bureau is hereby authorized and directed to award and pay to said Adrian Van Leeuwen such compensation, and provide for him such hospital and medical treatment as he would be entitled to if his said disability had been contracted in line of duty in the military service of the United States between April 6, 1917, and July 2, 1921."

Mr. STOBBS. Mr. Speaker, I hope the committee amendment will not be agreed to.

The committee amendment was rejected.

The bill was ordered to be engrossed and read a third time, was read the third time, and passed.

JOHNS-MANVILLE CORPORATION

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to call up the bill (S. 1547) for the relief of Johns-Manville Corporation. This is a Senate bill and when it was called the last time the gentleman from Michigan [Mr. HUDSON] made some inquiry. I sent the inquiry to the Comptroller General and I have a letter here in which he says that as an equitable proposition he considers the bill just.

The SPEAKER pro tempore. The Clerk will report the bill. The Clerk read the title of the bill.

Mr. SCHAFER. Reserving the right to object, did the Comptroller General say it is a just bill?

Mr. CHINDBLOM. Yes; I have the letter from the comptroller here to that effect.

Mr. SCHAFER. I have no objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Illinois?

There was no objection.

The Clerk read the bill, as follows:

Be it enacted, etc., That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Johns-Manville Corporation the sum of \$6,316.31 for increased cost of labor services and material on contract No. 3839-B for roofing at naval ordnance plant, South Charleston, W. Va.

The bill was ordered to be read a third time, was read the third time, and passed.

A motion to reconsider was laid on the table.

Mr. CHINDBLOM. Mr. Speaker, I ask unanimous consent to insert in the RECORD at this point the report of the Comptroller General on the bill just passed.

The SPEAKER pro tempore. Without objection it is so ordered.

There was no objection.

The letter referred to follows:

COMPTROLLER GENERAL OF THE UNITED STATES,

Washington, February 6, 1929.

Hon. CHARLES L. UNDERHILL,

Chairman Committee on Claims,

House of Representatives.

MY DEAR MR. CHAIRMAN: In the matter of S. 1547, Seventieth Congress, second session, entitled "An act for the relief of Johns-Manville Corporation," submitted by you to the House of Representatives January 5, 1929, with recommendation for its passage (H. Rept. 2022), which bill, as before the House (Private Calendar No. 754), reads:

"That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury not otherwise appropriated, to Johns-Manville Corporation the sum of \$6,316.31 for increased cost of labor, services, and material on contract No. 3839-B for roofing at naval ordnance plant, South Charleston, W. Va."

I have the honor to advise that I am in receipt of a letter of January 31, 1929, from the Hon. CARL R. CHINDBLOM, House of Representatives, requesting that the matter of the bill be the subject of a report by this office along equitable lines.

The records of this office show that the H. W. Johns-Manville Co. (referred to in S. 1547 as the "Johns-Manville Corporation") presented a claim to this office for additional compensation under Yards and Docks contract No. 3839-B, dated June 19, 1919, for roofing of certain buildings at the naval ordnance plant, South Charleston, W. Va., amounting to \$6,465.37, the items of which are as set out in the report of your committee on the bill, claim of October 25, 1922 (H. Rept. No. 2022, p. 3). The claim was disallowed (settlement No. N-133420, April 11, 1923) and the disallowance affirmed (Review 4966, January 16, 1924, August 18, 1924, and February 13, 1925), the contractor not being found legally entitled to be paid the additional compensation claimed. See herewith copies of such Review 4966; also *Crook Company (Inc.) v. United States* (270 U. S. 4); *Detroit Steel Products Co. v. United States* (62 Ct. Cl. 686), referred to on page 2 of the report of your committee; and conclusion of the Secretary of the Navy as set forth on said page 2 in his report on the bill, that—

"It appears to be clear * * * that the Johns-Manville Co. has no legal claim against the United States under the contract. * * *

Viewed entirely as an equitable proposition—as distinguished from a legal one—I have to advise that certain elements of equity appear in favor of the contractor, as a result of its having been unduly delayed by the United States in the completion of the roofing; as, for example, as recognized in connection with the completion of the fourth building

(heat treatment building) in my decision of January 16, 1924 (pp. 3, 4), where I said:

"At the time the contractor undertook to do the work on this building within five days after receipt of notice that the building was ready it was contemplated that the building would be ready about the time the three other buildings would be ready and that the contractor's force, equipment, and material would be at the site. It appears, however, that there was a delay of more than 17 months between the date of completion of the last of the three buildings and date of receipt of notice that the fourth building was ready and that because of this delay the contractor did not have, and could not be expected to have, its force, equipment, and material at the site ready to complete the work within five days after receipt of notice that the building was ready. Accordingly, it must be held that the contractor's delay in completion of the work on this building was unavoidable. * * *

Accordingly, you are advised that the possession by the contractor of certain equitable—as distinguished from legal—rights in the matter has been and is recognized by this office.

A copy of this letter is being forwarded to Representative CHINDBLOM.

Sincerely yours,

J. R. MCCALL,

Comptroller General of the United States.

LEAVE OF ABSENCE

By unanimous consent leave of absence was granted to Mr. LANHAM, for three days, on account of illness.

ADJOURNMENT

Mr. IRWIN. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 11 o'clock and 5 minutes p. m.) the House adjourned until to-morrow, Wednesday, February 27, 1929, at 12 o'clock noon.

COMMITTEE HEARINGS

Mr. TILSON submitted the following tentative list of committee hearings scheduled for Wednesday, February 27, 1929, as reported to the floor leader by clerks of the several committees:

COMMITTEE ON MILITARY AFFAIRS

(10 a. m.)

Directing and providing for the assembly, inventory, classification, preparation for publication, and publication of the official records and maps relating to the participation of the military and naval forces of the United States in the World War, and authorizing appropriations therefor. (H. J. Res. 359.)

To amend the national defense act so as to reestablish the Regular Army Reserve as a component of the Regular Army. (H. R. 14038.)

EXECUTIVE COMMUNICATIONS, ETC.

869. Under clause 2 of Rule XXIV, a letter from the Comptroller General of the United States, transmitting supplemental report with the recommendation thereon of an additional claim transmitted to this office by the Secretary of War involving damages for personal injury (H. Doc. No. 612), was taken from the Speaker's table and referred to the Committee on Claims and ordered to be printed.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII,

Mr. ENGLEBRIGHT: Committee on the Public Lands. H. R. 17221. A bill to provide for the preservation and consolidation of certain timber stands along the western boundary of the Yosemite National Park, and for other purposes; without amendment (Rept. No. 2725). Referred to the Committee of the Whole House on the state of the Union.

Mr. WAINWRIGHT: Committee on Military Affairs. H. R. 17216. A bill to authorize appropriations for construction at military posts, and for other purposes; without amendment (Rept. No. 2726). Referred to the Committee of the Whole House on the state of the Union.

Mr. FISHER: Committee on Military Affairs. H. R. 17217. A bill to provide for the construction or purchase of three heavy sea-going Air Corps retrievers for the War Department; without amendment (Rept. No. 2727). Referred to the Committee of the Whole House on the state of the Union.

Mr. WASON: Committee on the Disposition of Useless Executive Papers. A report on the disposition of useless papers in the Department of Labor (Rept. No. 2739). Ordered to be printed.

Mr. McFADDEN: Committee on Banking and Currency. S. 5684. An act to amend the War Finance Corporation act ap-

proved April 5, 1918, as amended, to provide for the liquidation of the assets and the winding up of the affairs of the War Finance Corporation after April 4, 1929, and for other purposes; without amendment (Rept. No. 2740). Referred to the Committee of the Whole House on the state of the Union.

Mr. GARBER: Committee on Interstate and Foreign Commerce. H. R. 17262. A bill authorizing H. L. Cloud, his heirs, legal representatives, and assigns, to construct, maintain, and operate a bridge across the Canadian River, at or near Francis, Okla.; without amendment (Rept. No. 2742). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Res. 343. A resolution providing for the consideration of S. 2901. An act to amend the prohibition act, as amended and supplemented; without amendment. (Rept. No. 2746). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. Con. Res. 60. A concurrent resolution creating a joint committee to cooperate in New Bern, N. C., observance of events of Colonial and Revolutionary period; with amendment (Rept. No. 2747). Referred to the House Calendar.

Mr. SNELL: Committee on Rules. H. J. Res. 430. A joint resolution creating a joint committee to investigate the rank, promotion, pay, and allowances of the commissioned and enlisted personnel of the Army, Navy, Marine Corps, Coast Guard, Coast and Geodetic Survey, and Public Health Service. (Rept. No. 2748.) Referred to the House Calendar.

Mr. BECK of Pennsylvania: Committee on Interstate and Foreign Commerce. H. R. 17099. A bill granting the consent of Congress to construct, maintain, own, manage, and operate a tunnel or tunnels and approaches thereto under the Delaware River; with amendment (Rept. No. 2749). Referred to the Committee of the Whole House on the state of the Union.

Mr. NEWTON: Committee on Interstate and Foreign Commerce. H. R. 17183. A bill to continue in effect for five years the act entitled "An act for the promotion of the welfare and hygiene of maternity and infancy, and for other purposes," approved November 23, 1921; without amendment (Rept. No. 2751). Referred to the Committee of the Whole House on the state of the Union.

REPORTS OF COMMITTEES ON PRIVATE BILLS AND RESOLUTIONS

Under clause 2 of Rule XIII.

Mr. McSWAIN: Committee on Military Affairs. H. R. 3441. A bill for the relief of John W. McCulloch; without amendment (Rept. No. 2728). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 12652. A bill for the relief of Andrew Amsbaugh; without amendment (Rept. No. 2729). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 14260. A bill to correct the military record of Daniel Hickey; with amendment (Rept. No. 2730). Referred to the Committee of the Whole House.

Mr. REECE: Committee on Military Affairs. H. R. 15145. A bill for the relief of Henry E. Williams; without amendment (Rept. No. 2731). Referred to the Committee of the Whole House.

Mr. McSWAIN: Committee on Military Affairs. H. R. 15282. A bill for the relief of Peter Guldway; with amendment (Rept. No. 2732). Referred to the Committee of the Whole House.

Mr. GARRETT of Texas: Committee on Military Affairs. H. R. 15397. A bill for the relief of Floyd Dillon, deceased; with amendment (Rept. No. 2733). Referred to the Committee of the Whole House.

Mr. WURZBACH: Committee on Military Affairs. H. R. 15753. A bill for the relief of George Selby; with amendment (Rept. No. 2734). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. S. 1979. An act for the relief of the Union Shipping & Trading Co. (Ltd.); without amendment (Rept. No. 2735). Referred to the Committee of the Whole House.

Mr. LOWREY: Committee on War Claims. S. 4815. An act for the relief of members of the crew of the transport *Antilles*; without amendment (Rept. No. 2736). Referred to the Committee of the Whole House.

Mr. WOODRUM: Committee on War Claims. H. R. 7982. A bill for the relief of the heirs of the late Frank J. Simmons; without amendment (Rept. No. 2737). Referred to the Committee of the Whole House.

Mr. HOOPER: Committee on War Claims. H. R. 10248. A bill for the relief of George S. Conway; with amendment (Rept. No. 2738). Referred to the Committee of the Whole House.

Mr. RANSLEY: Committee on Military Affairs. H. R. 14976. A bill to correct the military record of John G. Wiest; with amendment (Rept. No. 2741). Referred to the Committee of the Whole House.

Mr. FURLOW: Committee on Military Affairs. H. R. 14021. A bill for the relief of Edwin Lockwood MacLean; with amendment (Rept. No. 2750). Referred to the Committee of the Whole House.

PUBLIC BILLS AND RESOLUTIONS

Under clause 3 of Rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. CARSS: A bill (H. R. 17274) to provide for the purchase of certain lands to enable the Chippewa Indians of Minnesota to harvest wild rice; to the Committee on Indian Affairs.

By Mr. GRAHAM: A bill (H. R. 17275) to amend section 649 of the Revised Statutes (sec. 773, title 28, U. S. C.); to the Committee on the Judiciary.

By Mr. SELVIG: A bill (H. R. 17276) to provide for the determination of claims for damages sustained by the fluctuation of the water levels of the Lake of the Woods in certain cases, and for other purposes; to the Committee on Foreign Affairs.

By Mr. LANKFORD: A bill (H. R. 17277) to authorize the Secretary of the Interior to investigate and report to Congress on the advisability and practicability of establishing a national park to be known as the Okefenokee National Park in the State of Georgia, and for other purposes; to the Committee on Public Lands.

By Mr. ZIHLMAN: A bill (H. R. 17278) to amend an act regulating the height of buildings in the District of Columbia, approved June 1, 1910; to the Committee on the District of Columbia.

By Mr. SPROUL of Kansas: A bill (H. R. 17279) providing procedure for the removal of corrupt public officials and defining certain crimes and prescribing penalties therefor in the District of Columbia; to the Committee on the Judiciary.

By Mr. WOOD: Joint resolution (H. J. Res. 429) to suspend the work on certain public improvements in the State of Virginia pending the cooperation of the State in protecting such improvements from nuisances; to the Committee on Public Buildings and Grounds.

MEMORIALS

Under clause 3 of Rule XXII, memorials were presented and referred as follows:

Memorial of the Legislature of the State of Nevada, urging the passage of bills for the construction of roads on important links of our highway system; to the Committee on Roads.

By Mr. KORELL: Memorial of the Oregon State Legislature, memorializing Congress on behalf of Senator JOHNSON's resolution to investigate the telephone companies; to the Committee on Interstate and Foreign Commerce.

By Mr. THURSTON: Memorial of the Forty-third General Assembly of the State of Iowa, in relation to an investigation to be made concerning the direct marketing of livestock in all of its phases; to the Committee on Agriculture.

By Mr. EVANS of Montana: Memorial of Montana's Twenty-first Legislative Assembly, being a "Memorial to the honorable Secretary of Agriculture of the United States advocating the establishment and promulgation of grades and standards of wheat which shall take into account its protein contents"; to the Committee on Agriculture.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of Rule XXII, private bills and resolutions were introduced and severally referred as follows:

By Mr. BEERS: A bill (H. R. 17280) granting an increase of pension to Mary E. H. Wetzel; to the Committee on Invalid Pensions.

By Mr. EATON: A bill (H. R. 17281) granting an increase of pension to Rhoda E. Blackwell; to the Committee on Invalid Pensions.

By Mr. GARBER: A bill (H. R. 17282) granting an increase of pension to Matilda A. Hammond; to the Committee on Invalid Pensions.

By Mrs. NORTON of New Jersey: A bill (H. R. 17283) granting a pension to Mary E. Keefe; to the Committee on Pensions. Also, a bill (H. R. 17284) granting an increase of pension to Johanna Hettesheimer; to the Committee on Invalid Pensions.

By Mr. O'CONNOR of New York: A bill (H. R. 17285) for the relief of the estate of Samuel Schwartz; to the Committee on Claims.

By Mr. RAINEY: A bill (H. R. 17286) granting an increase of pension to Harriet Durham; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17287) granting an increase of pension to Emma T. Saunders; to the Committee on Invalid Pensions.

Also, a bill (H. R. 17288) granting a pension to Thomas Franklin Jones; to the Committee on Invalid Pensions.

By Mr. ROWBOTTOM: A bill (H. R. 17289) granting an increase of pension to Josephine Wise; to the Committee on Invalid Pensions.

By Mr. UNDERWOOD: A bill (H. R. 17290) granting an increase of pension to Mary E. Glaspy; to the Committee on Invalid Pensions.

By Mr. ZIHLMAN: A bill (H. R. 17291) granting an increase of pension to Caroline Horner; to the Committee on Invalid Pensions.

PETITIONS, ETC.

Under clause 1 of Rule XXII, petitions and papers were laid on the Clerk's desk and referred as follows:

13490. Petition signed by employee of the Navy Department in regard to the pending Lehibach bill (H. R. 16643); to the Committee on the Civil Service.

13491. By Mr. CRAIL: Petition of Peerless Laundry Services (Ltd.), of Los Angeles, Calif., against a tariff on imported oils used in making soap; to the Committee on Ways and Means.

13492. Also, petition of Werner-Davis & Woodworth (Inc.), of Los Angeles, Calif., favoring a tariff on imported stained glass; to the Committee on Ways and Means.

13493. By Mr. CONNERY: Resolution of Peabody Post, 153, American Legion, of Peabody, Mass., urging upon the Congress of the United States the immediate repeal of clause (b) of section 11 of the immigration act of 1924, commonly known as the national-origins clause of said act; to the Committee on Immigration and Naturalization.

13494. Also, resolution of Shoe Workers Protective Union, Local No. 72, of Boston, Mass., urging a tariff on shoes of 35 per cent ad valorem; to the Committee on Ways and Means.

13495. By Mr. DALLINGER: Petition of the Catholic Daughters of America, urging the enactment of House bill 13793 and Senate bill 349; to the Committee on Immigration and Naturalization.

13496. Also, petition of the Catholic Daughters of America, protesting the passage of the national-origins revision clause and approving the Nye resolution; to the Committee on Immigration and Naturalization.

13497. By Mr. GARBER: Petition of National Builders' Supply Association of the United States, urging support of House bill 13405, requiring preferential treatment by the American Government for American-made goods in purchases for Federal Government work; to the Committee on Interstate and Foreign Commerce.

13498. By Mr. HOWARD of Oklahoma: Report submitted concerning the management of the Seneca Indian School located at Wyandotte, Okla.; to the Committee on Indian Affairs.

13499. Also, petition of Independent Oil Association, of Oklahoma, urging Congress to impose a protective tariff on crude oil imported into the United States; to the Committee on Ways and Means.

13500. By Mr. HUDDLESTON: Petition of W. L. Douglas Shoe Co. and sundry persons, of Birmingham, Ala., against any change in the tariff on leather and hides; to the Committee on Ways and Means.

13501. By Mr. LEHLBACH: Petition of retail shoe dealers and customers against any change in the present tariff on hides and leather used in the manufacture of shoes; to the Committee on Ways and Means.

13502. By Mr. McFADDEN: Petition of residents of Sayre, Pa., to support House bills 9138 and 11526, to grant World War service pension to certain disabled soldiers, sailors, and marines of the World War; to the Committee on Pensions.

13503. Also, petition of the Orwell Grange, consisting of 71 members, Orwell, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78), or similar measures; to the Committee on the District of Columbia.

13504. Also, petition of 50 citizens of the fifteenth district of Pennsylvania urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13505. By Mr. MEAD: Petition of Merchants' Association of New York, opposed to any tariff duty or limitation of products

from the Philippine Islands; to the Committee on Ways and Means.

13506. Also, petition of Buffalo Council of the National Council of Catholic Women, favoring the bill (H. R. 13793) relating to records of arrival of certain immigrants; to the Committee on Immigration and Naturalization.

13507. By Mr. O'CONNELL: Petition of the Railway Business Association, Philadelphia, Pa., opposing the passage of Senate bill 4490, the bituminous coal bill; to the Committee on Interstate and Foreign Commerce.

13508. Also, petition of the Merchants' Association of New York, opposed to any restriction or limitation to the free movement of products between continental United States and the Philippine possessions in either direction; to the Committee on Ways and Means.

13509. By Mr. PALMER: Petition of 465 citizens of Ashland, Pa., urging the enactment of legislation to protect the people in the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13510. Also, petition of 28 members of Zion Lutheran Church, Ashland, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13511. Also, petition of 69 members of the Methodist Episcopal Church, Gordon, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13512. Also, petition of 58 members of the Lutheran Church, Gordon, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13513. Also, petition of 152 citizens of Girardville, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13514. Also, petition of 72 citizens of McAdoo, Pa., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13515. By Mr. RAINEY: Petition of the pastor and 33 members of the Presbyterian Congregation Church, Kampsville, Ill., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

13516. Also, petition of Harry L. Agnew and other citizens of Mason City, Ill., favoring Dale-Lehibach bill and the La Follette bill; to the Committee on Appropriations.

13517. Also, petition of George W. Carder and 30 other citizens of Ashland, Ill., and vicinity, protesting against a duty on hides and leather; to the Committee on Ways and Means.

13518. Also, petition of L. Frank and 26 other citizens of Mason City, Ill., protesting against a tariff on hides and leather; to the Committee on Ways and Means.

13519. Also, petition of R. H. Clanahan and other citizens of Greene County, Ill., favoring a moratorium for drainage districts; to the Committee on Irrigation and Reclamation.

13520. Also, petition of Ira Cottingham and other citizens of Jerseyville, Ill., favoring a moratorium for drainage districts; to the Committee on Irrigation and Reclamation.

13521. Also, petition of F. P. Plahn and 35 other citizens of Greene County, Ill., protesting against a duty on hides and leather; to the Committee on Ways and Means.

13522. Also, resolution of Knights of Columbus, Carrollton, Ill., favoring Schneider bill; to the Committee on Immigration and Naturalization.

13523. Also, petition of Ben L. Smith and other citizens of Pekin, Ill., favoring flood control; to the Committee on Irrigation and Reclamation.

13524. By Mr. SELVIG: Petition of three residents of Kittson County and eight residents of Roseau County, ninth district of Minnesota, urging the enactment of House bill 10958; to the Committee on Agriculture.

13525. By Mr. THOMPSON: Letter of Ben P. Edgerton, of Hicksville, Ohio, relating to the tariff on sugar; to the Committee on Ways and Means.

13526. Also, letter from the Toledo Lumber & Mill-Work Co., protesting against a tariff on Canadian lumber; to the Committee on Ways and Means.

13527. Also, resolutions adopted by the national and State affairs committee of Toledo (Ohio) Chamber of Commerce, relative to the tariff on sugar; to the Committee on Ways and Means.

13528. Also, resolution unanimously adopted by the Ohio Farmers' Protective Association, in convention at Columbus, Ohio, February 8, 1929, relating to a tariff on Canadian lumber; to the Committee on Ways and Means.

13529. Also, report of hearings before Committee on Ways and Means on the sugar tariff, and comments thereon by Harry A. Austin, secretary of United States Beet Sugar Association; to the Committee on Ways and Means.

13530. Also, letter of Joseph Barker, of Antwerp, Ohio, concerning the tariff on sugar; to the Committee on Ways and Means.

13531. Also, letter of Harry G. Carr, of Antwerp, Ohio, concerning the tariff on sugar; to the Committee on Ways and Means.

13532. By Mr. TUCKER: Petition of the Thessalonica Baptist Church, 100 present, Fork Union, Va., urging the enactment of legislation to protect the people of the Nation's Capital in their enjoyment of Sunday as a day of rest in seven, as provided in the Lankford bill (H. R. 78) or similar measures; to the Committee on the District of Columbia.

SENATE

WEDNESDAY, February 27, 1929

(Legislative day of Monday, February 25, 1929)

The Senate met at 11 o'clock a. m., on the expiration of the recess.

The VICE PRESIDENT. The Senate will receive a message from the House of Representatives.

MESSAGE FROM THE HOUSE

A message from the House of Representatives, by Mr. Chaffee, one of its clerks, announced that the House had passed the bill (S. 1727) to amend the act entitled "An act to amend the act entitled 'An act for the retirement of employees in the classified civil service, and for other purposes,' approved May 22, 1920, and acts in amendment thereof," approved July 3, 1926, as amended, with amendments, in which it requested the concurrence of the Senate.

CALL OF THE ROLL

Mr. CURTIS. Mr. President, I suggest the absence of a quorum.

The VICE PRESIDENT. The clerk will call the roll.

The legislative clerk called the roll, and the following Senators answered to their names.

Ashurst	Edwards	McKellar	Smith
Barkley	Fess	McMaster	Smoot
Bayard	Fletcher	McNary	Steck
Bingham	Frazier	Maidfield	Stelwer
Black	George	Metcalf	Stephens
Blaine	Gerry	Moses	Swanson
Blease	Glass	Neely	Thomas, Idaho
Borah	Glenn	Norbeck	Thomas, Okla.
Bratton	Goff	Norris	Trammell
Brookhart	Gould	Nye	Tydings
Broussard	Greene	Oddie	Tyson
Bruce	Hale	Overman	Vandenberg
Burton	Harris	Pine	Wagner
Capper	Harrison	Ransdell	Walsh, Mass.
Caraway	Hawes	Reed, Pa.	Walsh, Mont.
Copeland	Hayden	Robinson, Ark.	Warren
Couzens	Heffin	Robinson, Ind.	Waterman
Curtis	Johnson	Sackett	Watson
Dale	Jones	Schall	Wheeler
Deneen	Kendrick	Sheppard	
Dill	Keyes	Shortridge	
Edge	King	Simmons	

Mr. BLAINE. I desire to announce that my colleague [Mr. LA FOLLETTE] is unavoidably absent. I ask that the announcement may stand for the day.

Mr. BRATTON. I wish to announce that my colleague [Mr. LARRAZOLO] is absent from the Chamber on account of illness. This announcement may stand for the day.

Mr. JONES. I wish to announce that the senior Senator from Connecticut [Mr. McLEAN] is absent because of illness.

Mr. WATERMAN. I announce that my colleague the senior Senator from Colorado [Mr. PHIPPS] is detained from the Senate by illness.

Mr. GERRY. I wish to announce that the Senator from Nevada [Mr. PITTMAN] is necessarily detained on official business.

The VICE PRESIDENT. Eighty-five Senators having answered to their names, a quorum is present.

PERSONAL EXPLANATION

Mr. BRUCE. Mr. President, I rise to a question of personal privilege. I regret to say that yesterday, in the course of a colloquy which arose between the Senator from Virginia [Mr. GLASS] and myself, I used some expressions which were decidedly more heated than the circumstances justified, and I take the blame for that occasion, so far as it is one that calls for notice at all, entirely upon myself.

Everyone who knows me knows that there is no Member of this body for whom I entertain a profounder respect than I do for the Senator from Virginia—respect for his stainless public and private character, for his great abilities, for his unflinching courage and his lofty independence of spirit.

NAVAL APPROPRIATIONS—CONFERENCE REPORT

The VICE PRESIDENT. The Chair lays before the Senate the conference report on the naval appropriation bill.

The Senate resumed the consideration of the conference report on the disagreeing votes of the two Houses on the amendments of the Senate to the bill (H. R. 16714) making appropriations for the Navy Department and the naval service for the fiscal year ending June 30, 1930, and for other purposes.

The VICE PRESIDENT. The question is on agreeing to the conference report.

Mr. HALE. Mr. President, the conferees on the naval appropriation bill met and reached an entire agreement. There are four matters which have to go back to the House for a separate vote because under the rules of the House they are construed as legislation and must be passed on by that body.

The principal changes that we have made are, first, to reduce the amount available for the second batch of cruisers from \$500,000 to \$200,000. This will enable us to start those cruisers under the terms of the cruiser law in 1930. They will be started, of course, at the extreme end of that fiscal year.

The House insisted that the Senate conferees give up the amendment providing for a dry dock at Puget Sound. The appropriation for this was \$400,000. The Senate conferees were very strong in their insistence upon having the item kept in the bill, but we were unable to prevail.

There was also an item of \$154,000 in the bill as it passed the Senate to increase the pay of certain draftsmen. The House would not agree to this and the Senate conferees were compelled to recede on the matter.

On the question of helium production the House provided \$160,000 and the Senate restored the Budget figure of \$300,000. In coming to an agreement we have split the difference on these figures and have made the appropriation \$230,000.

The conference report as agreed to by the conferees takes from the Senate bill \$634,000, leaving only very small additions to the House bill, somewhere in the neighborhood of about \$100,000, and, of course, the large item that was estimated for by the Budget Bureau, and which we have kept within the figures of the Budget Bureau, for the increase of the Navy, to take care of the cruisers and the new aircraft carrier.

Mr. NORRIS. Mr. President, I hope the Senator from Maine will let me ask him before he concludes his remarks what was done with amendment numbered 17 appearing on page 48?

Mr. HALE. That has to be voted on in the House of Representatives. That is the labor amendment. The conferees made no change whatever in it.

Mr. NORRIS. That amendment is technically in disagreement?

Mr. HALE. It is technically in disagreement.

Mr. NORRIS. If the House shall refuse to recede, then it will come back to the Senate and be adjusted in conference, of course?

Mr. HALE. That is correct.

Mr. NORRIS. But if the House does recede, then the controversy will be ended so far as that amendment is concerned?

Mr. HALE. It will be ended so far as that is concerned.

Mr. NORRIS. Mr. President, in my own right I want to take the floor for just a few moments.

Mr. HEFLIN. Mr. President—

The VICE PRESIDENT. Does the Senator from Nebraska yield to the Senator from Alabama?

Mr. HEFLIN. Does the Senator from Nebraska desire to occupy the floor now?

Mr. NORRIS. Yes; for a few moments.

Yesterday, Mr. President, when the Senator from Maine [Mr. HALE] asked unanimous consent to proceed to the consideration of the conference report I objected. I had asked the Senator if he would not let the conference report go over